

- C. Sight Distance Consideration: Adequate sight distance shall be provided in accordance with the City of Austin, Texas Transportation Criteria Manual (latest edition). If sight distance is inadequate at the location of the proposed driveways, only one (1) driveway shall be permitted at a site that provides the safest access to the public right-of-way.
- D. Design and Standards: Design and layout details for driveways shall comply with the City of Austin, Texas Transportation Criteria Manual.
- E. Residential Driveways:
1. Location: No driveway shall be constructed within one hundred fifty feet (150') of a signalized intersection or within the curb return of a street intersection or within the radius of the edge of pavement or traveled street at an intersection on a curve.
 2. Width:
 - a. Driveway pavement width on the public right-of-way for single-family residences shall be a minimum of twelve feet (12') with a maximum of thirty feet (30'). Fifteen feet (15') is recommended.
 - b. Joint-use driveways shall have a minimum driveway pavement width of twenty-four feet (24') with a maximum of thirty feet (30').
 3. Curb Return Radii: Driveway pavement radii shall be a minimum of five feet (5').
 4. Turnarounds: Driveway turnarounds shall have a minimum area of twelve feet (12') by twelve feet (12').
 5. Number of Driveways: Only one (1) driveway is permitted per residence. Circular driveways with two (2) points of access must have the approval of the Village as a variance.
 6. Joint-use Drives:
 - a. Joint-use driveways are encouraged and may be approved provided a permanent access easement has been granted to each property owner to use the portion of driveway on the adjacent lot.
 - b. Joint-use driveways shall be a minimum width of fifteen feet (15').
 - c. Joint-use drives serving three (3) or more residences shall provide a turnaround for fire apparatus acceptable to the Village and to the fire department.

F. Non-residential and Multi-family Driveways:

1. Location:

- a. No driveway shall be constructed within one hundred feet (150') of a signalized intersection or within the curb return of a street intersection or within the radius of the edge pavement or traveled street at an intersection on a curve.
- b. A minimum spacing between closest paving of driveways of one hundred forty feet (140') is required. A minimum spacing of two hundred feet (200') is required on F.M. 2769 and on Lime Creek Road.
- c. A minimum of seventy feet (70') from driveway edge to side of property measured at the front line is required unless a joint use drive is used.
- d. All proposed driveways directly accessing F.M. 2769 shall be reviewed by TxDOT and shall have a TxDOT permit before plan approval.

2. Width:

- a. Two-way driveway pavement width on the public right-of-way shall be a minimum of thirty feet (30') and a maximum of forty-five feet (45').
- b. One-way driveway pavement width on the public right-of-way shall be a minimum of twenty feet (20').

3. Curb Return Radii:

- a. Curb return radii for all driveways shall be a minimum of twenty-five feet (25').
- b. Curb return radii for all driveways onto F.M. 2769 and Lime Creek road shall be a minimum of thirty feet (30').

4. Throat Lengths:

- a. Throat lengths for all driveways shall be a minimum of twenty feet (20').
- b. Throat lengths for all driveways onto F.M. 2769 and Lime Creek Road shall be a minimum of fifty feet (50').

5. Joint-use Drives:

- a. Joint-use driveways are encouraged and may be required, provided a permanent access easement has been granted to each property owner to use the portion of the driveway on the adjacent lot.
 - b. For those properties with less than two hundred feet (200') of adjacent right-of-way to F.M. 2769 and Lime Creek Road, a common driveway shall be constructed along the common property lines of two lots.
- 6. Number of Driveways: For driveway access to any public road or street, a maximum of two (2) driveways will be permitted.
 - 7. Alignment: Driveways from arterials and residential or commercial collectors shall either line up with or be offset from opposing driveways no less than eighty feet (80') from pavement edge to pavement edge.

Sec.33.336 Non-residential and Multi-family Drive Aisles

- A. Grade: Maximum grade shall not exceed fifteen percent (15%) inside the property line.
- B. Design Standards:
 - 1. Non-residential and multi-family drive aisles, except for condominiums, inside the property lines shall be designed according to one of the following standards:
 - a. Asphaltic Surface Types: Hot mix asphaltic concrete pavement, or an approved equal, laid at the rate of one hundred fifty pounds per square yard (150psy), providing a pavement of one and one-half inches (1.5") depth with a minimum of eight inches (8") compacted flexible base; where asphaltic surfaces are used they shall be of lowest VOC content available; or
 - b. Reinforced Concrete: Reinforced concrete of six inches (6") depth, containing a minimum of five (5) sacks of cement per cubic yard and attaining a minimum compressive strength of three thousand pounds per square inch (3000psi) in twenty-eight (28) days with a minimum of # 4 rebar at twelve inches (12") on center each way.
 - c. Alternative Decorative Surfaces: Alternative decorative pavement strips may be submitted for consideration by the Village. Alternative decorative pavement strips may consist of hand-laid paving blocks specifically designed for moderate-to-high speed traffic loadings and for emergency vehicle and equipment loadings and shall be segregated from adjoining pavement surfaces through the installation of a reinforced concrete ribbon.

2. Condominium drive aisles shall be reinforced concrete. Alternative decorative surfaces, as described above, may be permitted by the Village.
3. Fire apparatus access lanes shall be designed and maintained to support the imposed loads of fire apparatus (80,000 lbs. gross vehicle weight) and shall be provided with a surface so as to provide all-weather driving capabilities.

C. Width:

1. Two-way pavement width inside the property line shall be a minimum of twenty-six feet (26').
2. One-way pavement width shall be a minimum of fifteen feet (15') unless the drive is designated as a fire access lane requiring a minimum width of twenty-six feet (26').

D. Connecting Drive Aisles: Connecting drive aisles between adjacent properties are encouraged and in some cases may be required by the Village as a condition of approval.

E. Fire Apparatus Turnarounds: Dead-end fire apparatus access lanes in excess of one hundred fifty feet (150') in length shall be provided with approved provisions for the turning around of fire apparatus. The turning radius and configuration of the turnaround shall be approved by the fire department.

F. Fire Access:

1. General Requirements:

- a. Fire apparatus access lanes shall be provided for every facility, building or portion of a building when any portion of the facility or any portion of an exterior wall of the first story of the building is located more than one hundred fifty feet (150') from fire apparatus access as measured by an approval route around the exterior of the building.
- b. More than one (1) fire apparatus lane shall be provided when it is determined by the fire department that access by a single road might be impaired by vehicle congestion, condition of terrain, climatic conditions or other factors that could limit access.
- c. Dead-end fire apparatus access lanes in excess of one hundred fifty feet (150') in length shall be provided with approved provisions for the turning around of fire apparatus. The turning radii and configuration shall be approved by the fire department.
- d. Fire apparatus access lanes shall be clearly identified, properly marked and maintained to prevent obstruction by parking or any other obstruction.

- e. All fire lanes shall be designated as tow-away zones. The designation of fire lanes does not make the Village responsible for the maintenance of the fire lanes on private property. The owner of the property continues to be responsible for the maintenance of the area. The official record of the designation and location of the fire lanes will be kept in the office of the fire department.
- f. Fire apparatus access lanes between aisles of parking or under porte-cocheres not providing direct access to fire apparatus need not be designated as fire lanes.
- g. When fire lanes cannot be installed due to building location on property, topography, waterways, non-negotiable grades or other similar conditions, the fire department is authorized to require additional fire protection.
- h. When access to or within a structure or an area is unduly difficult because of secured openings or where immediate access is necessary for life saving or firefighting purposes, the fire department is authorized to require a key box to be installed in an accessible location. The key box shall be of a type approved by the fire department and shall contain keys to gain necessary access as required by the fire department.
- i. Existing improved sites shall be reviewed by the fire department and compliance with this subsection shall be met to the greatest extent possible.
- j. All standards and requirements of the Travis County Emergency Services District No. 14 shall be met.
- k. Developers shall obtain design criteria and plan approvals from the fire department and Travis County Emergency Services District No. 14.

2. Specifications:

- a. Fire apparatus access lanes shall have an unobstructed width of not less than twenty-six feet (26') and an unobstructed vertical clearance of not less than fifteen feet (15'). Vertical clearances or widths shall be increased when, in the opinion of the fire department, vertical clearances or widths are not adequate to provide fire apparatus access.
- b. Fire apparatus access lanes shall have a surface grade no steeper than fifteen percent (15%).
- c. Fire access lanes shall have a minimum twenty-five foot (25') inside and fifty foot (50') outside corner radius.

- d. The fire department will give notice of the designation to the owner of the property, directing the owner to cause, at the expense of the owner, markings to be painted on any areas designated as a fire lane. The markings must be red with white stenciling reading "FIRE LANE/TOW AWAY ZONE" in lettering at least three inches (3") in height. The stenciling shall be at intervals of thirty-five feet (35') or less. In addition, the owner shall cause signs to be posted at both ends of a fire lane and at intervals of fifty feet (50') or less. Alternative marking of fire lanes may be approved by the Fire Chief provided fire lanes are clearly identified at both ends and at intervals not to exceed thirty-five feet (35').
- e. Fire apparatus access lanes shall be designed and maintained to support the imposed loads of fire apparatus (80,000 lbs. gross vehicle weight) and shall be provided with a surface so as to provide all-weather driving capabilities.

Sec.33.337 Off-Street Parking and Loading Requirements

- A. Purpose: Off-street parking and loading shall be provided to secure safety from fire, panic, and other dangers; to lessen congestion on public streets; to facilitate the adequate provision of transportation; to conserve the value of buildings; and to encourage the most appropriate use of land. Minimum design standards for off-street parking and loading shall as set forth in the following provisions.
- B. Single-family Residential Uses - Special Off-Street Parking Provisions:
 - 1. Required off-street parking shall be provided on the same site as the use it is to serve.
 - 2. All required vehicle parking shall be on a suitably paved parking surface. All driveways and approaches to parking spaces shall be similarly paved.
 - 3. Parking shall not be located in the street right-of-way, unless specifically approved by the Village as a variance.
- C. Multi-family and Non-residential Uses Special Off-Street Parking Provisions:
 - 1. To prevent nuisance situations, all parking area lighting shall be designed and operated so as not to reflect or shine on adjacent properties and in accordance with the standards established in Sec. 33.345 of this article.
 - 2. For safety and fire-fighting purposes, unhindered access to adjacent nonresidential parking areas shall be provided in accordance with Sec. 33.345 of this article.

3. All off-street parking, maneuvering, loading and storage areas, except fire lanes, shall be paved in accordance with the following requirements:
 - a. Asphaltic Surface Types: Hot mix asphaltic concrete pavement, or an approved equal, laid at the rate of one hundred fifty pounds per square yard (150psy), providing a pavement of one and one-half inches (1.5") depth with a minimum of eight inches (8") compacted flexible base. Where asphaltic surfaces are used they shall be of the lowest VOC content available; or
 - b. Reinforced Concrete: Reinforced concrete of six inches (6") depth, containing a minimum of five (5) sacks of cement per cubic yard and shall attain a minimum compressive strength of three thousand pounds per square inch (3000psi) in twenty-eight (28) days with a minimum of # 4 rebar at twelve inches (12") on center each way.
 - c. Alternative Decorative Surfaces: Alternative decorative pavement strips may be submitted for consideration to the Village. Alternative decorative pavement strips may consist of hand-laid paving blocks specifically designed for moderate-to-high speed traffic loadings and for emergency vehicle and equipment loading and shall be segregated from adjoining pavement surfaces through the installation of a reinforced concrete ribbon.
4. Condominium parking areas shall be reinforced concrete. Alternative decorative surfaces, as described above, may be permitted by the Village.
5. Parking spaces shall be permanently and clearly identified by stripes, buttons, tiles, curbs, barriers, or other approved methods. Non-permanent type marking, such as paint, shall be regularly maintained to ensure continuous clear identification of the space.
6. Each off-street surface parking space and maneuvering aisle shall be in accordance with the following criteria:

- a.

Type of Parking	Angle of Parking	Width	Depth	Maneuvering Aisle
Standard	45	9'	20'	26'
Standard	60	9'	20'	20' (one way)
Standard	90	9'	18.5'	26'
Standard	Parallel	10'	22'	26'
Accessible	90	12'	18.5'	26'
Loading	90	12'	35'	26'
Compact	90	8'	18'	26'
- b. Parking lots shall have a minimum fifteen foot (15') radius on all interior corners.

- c. Parking rows shall not exceed twelve (12) parking spaces without being interrupted by a landscape island.
 - d. An accessible space shall have a five foot (5') walkway beside it, unless it is designated as a van accessible space, in which case it shall have an eight foot (8') walkway beside it.
- 7. Connecting drive aisles and/or sidewalks between adjacent properties are encouraged and in some cases may be required by the Village as a condition of approval.
- 8. Compact parking spaces are allowed only after the minimum standard parking requirements are met.
- 9. All parking and loading spaces, and vehicle sales areas on private property shall have a vehicle stopping device, such as a curb or wheel stop, installed so as to prevent parking of motor vehicles in any required landscaped areas, to prevent vehicles from hitting buildings, to protect public or private utility structures or facilities, and to prevent parked vehicles from overwhelming a public right-of-way line, public sidewalk, or adjacent private property. An extra-wide walkway on private property may be permitted so as to allow encroachment of vehicle overhang while maintaining an unobstructed four-foot (4') minimum walkway width. The requirement shall apply only where spaces are adjacent to the walks, right-of-way in any case. For new construction only, all vehicle maneuvering shall take place on-site. No public right-of-way shall be used for backing or maneuvering into or from a parking space, or for circulation within the parking lot.
- 10. The perimeter of all parking lots and driveways shall be provided with ribbon concrete curbs or other means to control traffic.
- 11. Refuse storage facilities placed in a parking lot shall not be located in a designated parking or loading space. Each refuse facility shall be located so as to facilitate pickup by refuse collection agencies, and shall be appropriately screened, as required by Sec. 33.336 of this article.
- 12. Parking space(s) for persons with disabilities and other associated provisions shall be provided according to Village construction codes, State laws, and requirements of the Americans with Disabilities Act (ADA). Parking spaces for persons with disabilities shall be as close as possible to the entryway of the appropriate structure, and shall be appropriately and clearly marked.
- 13. Designated parking and loading areas shall not be used for the repair, storage, dismantling or servicing, except for normal maintenance of a private vehicle, of vehicles or equipment, or for the storage of materials or supplies, or for any other

use in conflict with the designated parking and loading areas, including advertising or open storage of raw materials.

14. To ensure that all requirements set forth in this section are carried forward, it will be the responsibility of the owner of the parking area to adequately maintain the facility. All off-street parking areas shall be kept free of trash, debris, vehicle repair operation or display and advertising uses. At no time after initial approval of the parking area layout can changes be made in the location and number of provided spaces without approval of the Village.
15. All parking structures shall conform to the construction and design standards of the zoning district in which they are located.
16. The number of required off street parking spaces for all uses shall be in compliance with subsection (f) below.
17. The council shall have the authority to approve a greater or lesser parking requirement if a parking needs analysis, prepared by a qualified traffic engineer, demonstrates that a greater or lesser requirement would be appropriate.

D. Off-Street Loading; All Districts and Uses:

1. All retail use and similar nonresidential uses shall provide and maintain off-street facilities for receiving and loading merchandise, supplies and materials within a building or on the lot or tract. All drives and approaches shall provide adequate space and clearances to allow for the maneuvering of trucks off-street. Each site shall provide a designated on-site maneuvering area for trucks. Such off-street loading space may be adjacent to, but not on any portion of, a public alley or private service drive or it may consist of a truck berth within the structure. Such off-street loading space or truck berth shall consist of a minimum area of twelve feet by forty-five feet (12' x 45').
2. For each retail or wholesale mercantile business or use, each industrial use, and each warehouse use, the number of loading spaces required shall be in compliance with the following schedule:

<u>Gross Floor Area (Square Feet)</u>	<u>Min. Number of Loading Spaces</u>
3,001 to 5,000	1
5,001 to 25,000	2
25,001 to 60,000	3
60,001 to 120,000	4
More than 120,000	4 plus 1 per each additional 100,000 s.f.

3. For each church, auditorium, convention hall, exhibition hall, hotel, motel, office building, hospital, sanitarium, sports arena and any other use similar to those

herein listed, the number of loading spaces required shall be in compliance with the following schedule:

<u>Gross Floor Area (Square Feet)</u>	<u>Min. Number of Loading Spaces</u>
5,001 to 25,000	1
25,001 to 50,000	2
50,001 to 100,000	3
More than 100,000	3 plus 1 per each additional 100,000 s.f.

4. For nonresidential uses, loading docks or service or delivery entrances shall not be constructed facing any public street, and shall not be visible from any public street.
5. For nonresidential uses, loading docks for any establishment that is adjacent to a residential use or district shall be a setback from the adjacent residential use or district boundary. In addition, such loading docks shall be designed and constructed so as to enclose or screen the loading operation on three (3) sides, in order to reduce the effects of the noise of the operation on adjacent residences.
6. For nonresidential uses, the hours any establishment within the Village shall receive goods shall be within the hours of operation of the zoning district within which the establishment is located.
7. Kindergartens, elementary schools, day schools, and similar child training and care establishments shall provide one (1) paved off-street pedestrian loading and unloading space for an automobile on a through, circular drive for each ten (10) students cared for, excluding child care in a residence. An additional lane shall also be required to allow pass by or through traffic to move while automobiles waiting or parked to pick up children occupy loading and unloading areas.

E. Parking Access from a Public Street; All Districts and Uses:

1. Consideration shall be given to providing entrance and exit drives which extend into the site to provide adequate queuing of vehicles on the site.
2. In all districts, except single-family zoning districts, building plans shall provide for entrance and exit drive(s) appropriately designed and located to minimize traffic congestion or conflict within the site and with adjoining public streets as approved by the Village.
 - a. If projected volumes of traffic entering or leaving a development are likely to interfere with the projected peak traffic flow volumes on adjoining streets, additional right-of-way and paving in the form of deceleration lane or turn lane may be required of a developer in order to reduce such interference.

- b. The determination of additional right-of-way or paving requirements shall be made at the time the final site plan is submitted for approval.
 - 3. Vehicular access to non-residential uses shall not be permitted from alleys serving residential areas, and shall not be configured as head-in parking spaces which are accessed directly from the street.
 - 4. Parking space configuration, location, arrangement, size and circulation in all districts shall be constructed according to the City of Austin, Texas Transportation Criteria Manual (latest edition).
- F. Parking Requirements Based Upon Use: Reserved

Sec.33.338 Landscape Requirements

A. **Purpose:** Landscaping is accepted as adding value to property, as enhancing the natural aesthetic beauty of the Village, and is in the interest of the general welfare of the Village. The provision of landscaped areas also serves to increase the amount of a property that is devoted to pervious surface area which, in turn, helps to reduce the amount of impervious surface area, storm water runoff, and consequent non-point pollution in local waterways. Therefore, landscaping is hereafter required of all new development.

B. **Definitions:** For the purpose of this section, the following terms have the following meanings:

Buffering and Screening: The use of plant material, other than mere grass on flat terrain, or the use of plant material along with berms, walls, decorative fences, and other decorative elements to obstruct the view from the street, of vehicular use areas, of mechanical and fuel storage equipment, of outside storage areas, of services, delivery or loading areas, and of areas for refuse collection; to promote compatibility between residential and nonresidential developments; and to provide privacy.

Caliper: The diameter of the trunk of a tree, as measured four and a half feet (4 1/2') above the ground, measured from the soil line at the base of a tree.

Cover Area: That area which falls within the drip-line of any tree.

Cutting: The detachment or separation of any limb, branch, or root from a protected tree. Cutting shall also include pruning activities such as trimming, shaping, thinning, and selective pruning of trees.

Damage: Any action undertaken which causes immediate or long-term injury, death, or disfigurement to a required or protected trees. This includes, but is not limited to, cutting, poisoning, by application of or exposure to harmful chemical, over-watering, water deprivation, relocation or transplanting a required or protected tree, as well as trenching, excavating, backfilling or paving within the protected zone of a required protected tree.

Deadwood: Limbs, branches or a portion of a tree that contains no green leaves during a period of the year when they should be present.

Developed Property: Property upon which a building, structure, pavement, or other improvements have been placed.

Development: All land development and site disturbance activities, including the construction of building, roads, paved storage areas, and parking lots. "Development" also includes any land-disturbing construction activities or human-made change of the land surface, including clearing of vegetative cover, excavating, filling and grading, mining and dredging, Care and maintenance of lawns, gardens, and trees; minimal clearing, up to ten feet (10') wide, for surveying and testing; and agricultural activities are excluded from this definition.

Drip-Line: A vertical line extending from the outermost portion of a tree's natural unpruned canopy to the ground.

Encroachments: Any intrusion or human activity into the protected zone of a required or protected tree including, but is not limited to, pruning, grading, excavating, backfilling, poisoning by application of or exposure to harmful chemicals, trenching, parking of vehicles or other heavy equipment, storage of materials or equipment, or the construction of structures or other improvements.

Landscaped Area: The area within the boundaries of a lot and, where applicable, the adjoining street right-of-way, which is predominantly pervious surface area that is dedicated to plant material, including, but not limited to grass, trees, shrubs, flowers, vines and other groundcover, native plant materials, planters, brick, stone, natural forms, water forms, aggregate and other landscape features, but not including the use of smooth or exposed aggregate concrete or asphalt; provided, however, that the use of brick, stone, aggregate or other inorganic materials shall not exceed twenty percent (20%) of the required landscape area.

Landscape Plan: A plan conforming to the requirements of this section of this article.

Park: All publicly maintained areas designated as a park or greenbelt or open space.

Person: Any natural person, corporation, government or governmental subdivision or agency, business trust, estate, trust, partnership or association, limited liability company,

two (2) or more natural persons having a joint or common interest, or any other legal or commercial entity.

Pervious: The ability of a substance to allow the passage of water.

Planting Strip: That part of a public street or highway, not covered by sidewalk or other paving, lying between the property line of adjoining property and that portion of the street or highway used or intended to be used for vehicular traffic.

Protected Tree: Any hardwood tree of a six inch (6") caliper trunk or greater, as measured four and half feet (4 1/2') above the natural ground, or an otherwise designated specimen tree. At the discretion of the Village certain native, rare and unusual trees may also be designated as "protected" regardless of size. For the purpose of determining protected tree status, multi-trunk trees shall be considered as one (1) tree, with the caliper of each trunk added together to equal an equivalent total caliper.

Protected Zone: A specifically defined area totally encompassing a required or protected tree within which work and other activities are strictly controlled. When depicted on a map showing an aerial view, the outermost edge of the protected zone will appear an irregular shaped circle that follows the contour of the drip-line of the tree. Using the drip-line as a point of reference, the protected zone shall commence at a point five feet (5') outside the drip-line and extended inward to the trunk of the tree. In no case shall the protected zone be less than fifteen feet (15') from the trunk of the tree.

Public: The term "public," when used as a modifier for such words as building, park, right-of-way, and similar words, shall mean "open to the general public".

Public Places: All grounds other than parks which are open to the general public.

Public Trees: Any trees that exist on publicly owned or controlled property within public right-of-way.

Routine Maintenance: Actions needed for continued good health and growth of a tree including, but not limited to, removal of deadwood, disease and insect control spraying, fertilization and root stimulation when appropriate, aeration, mulching to maintain soil moisture, and watering, particularly immediately before and after the construction activities and during drought conditions.

Site Development Permit: Official authorization issued by the Village allowing land disturbing activities.

Specimen Tree or Specimen Tree Stand: Any tree or group of trees which has been determined to be of high aesthetic value, including but not limited to oaks, elms, pear madrones, unusual cedars of a caliper of at least twelve inches (12"), and other native trees listed in this section, because of its species, size, age, historic value, or other definable criteria as so designated by the Village.

Street Yard: The area of a lot which lies between the public street right-of-way or private street access easement and the actual front wall line of the building, as such building wall line extends from the outward corners of the building, parallel to the street, until such imaginary extension of such building wall line intersects the side property lines. In determining the actual building wall of the building for the purposes of this section, steps and unenclosed porches shall be excluded, but such building wall line shall follow and include the irregular indentation of the building. A front building wall is a building wall facing a street.

1. On corner lots, the street yard shall consist of all the area of such lot between all abutting street right-of-way or access easement lines and the front of the building in the manner provided above.
2. When there are multiple buildings on a lot, the street yard shall consist of all the area of the lot between the street right-of-way or easement and an imaginary line beginning at one side of the property, running parallel to the street, connecting to the foremost corner of the building wall fronting the street and nearest such side property line, then following and connecting the frontmost wall of all the buildings fronting on the street, and then extending to the other side of the property line, running parallel to the street. If the building has a rounded front, the front building wall corners shall be the points closest to the side boundaries. For the purposes of this section, isolated buildings less than three hundred square feet (300 sf) shall not be considered in delineating the street yard.
3. Notwithstanding all of the foregoing, on land used only for parking purposes or only as a commercial or private parking lot, the street yard shall consist of the area between the street right-of-way or easement and the rear property line.

Tree: Any self-supporting woody perennial plant which has a trunk diameter of three inches (3") or more when measured at a point four and half feet (4 1/2') above the ground level or adjacent finished grade within its drip line, whichever is higher, and which normally attains an overall height of at least ten feet (10') at maturity, measured from ground level or from adjacent finished grade within its drip line, whichever is higher, having a mature canopy greater than fifteen feet (15') in diameter, usually, but not always, with one (1) main stem or trunk and many branches.

Undeveloped Property: Property upon which no building, structure, pavement or other improvements have been placed.

Village: The Village of Volente, Texas.

Yard Area: An open space on the same lot with a building, the space being unoccupied and unobstructed from the ground upward, with the exception of trees and other natural vegetation.

C. Application of This Section:

1. Except as otherwise provided, the landscaping requirements of this section shall apply to all land located in the Village.
 - a. On non-residential developments, such landscaping requirements shall become applicable as to each individual lot at the time an application for site plan approval on such lot is made. Site plan approvals shall not be granted prior to the Village approval of the Landscape Plan, as required by this section.
 - b. New construction on residential lots shall be subject to the landscaping requirements of this section.
2. Each lot within a common development which includes more than one (1) lot, and each phase of a phased project, shall comply with the requirements of this section.
3. Any non-residential or multi-family site that has any portion of the site redeveloped shall be subject to the landscaping requirements of this section.
4. The requirements of this section shall not apply to the following:
 - a. Building permits for the substantial restoration of a building constructed prior to the adoption of this article, issued within a period of twelve (12) months after the building has been damaged by fire, explosions, flood, tornado, riot, act of the public enemy, or accident of any kind, provided that the building footprint is not enlarged by over twenty-five percent (25%) of the previously existing gross floor area.
 - b. Building permits issued or site plans approved prior to the effective date of this article.
5. The provisions of this section shall be subordinate to any other governing provisions pertaining to traffic and pedestrian safety.

D. General Landscape Requirements for New Nonresidential and Residential Development:

1. The provisions of this section apply to all new nonresidential and residential development within the Village.
2. Preservation of Existing Landscape: The existing natural landscape character, especially native oaks, elms, madrone, pear and pecan trees, shall be preserved to the maximum extent reasonable and feasible. For example, in an area of the street yard containing a stand of trees, the developer and the builder shall use best good faith efforts to preserve such trees. *Celtis Occidentalis* (Hackberry) and *Juniperus Virginiana* and *Juniperus Ashei* (Common Cedar) with a caliper of less than twelve inches (12") are excluded from this provision, except for those located

within the first twenty-five feet (25') from the street rights-of-ways or street easements as specified below. Indiscriminate clearing or stripping of natural vegetation on a lot is prohibited. Any part of a site not used for buildings, parking, driveways, walkways, utilities and approved storage areas shall be retained in a natural state, or reclaimed to its natural state, to the greatest extent feasible, or attractively landscaped in a manner that adds aesthetic value to the development.

3. Protected and Specimen Trees: The removal of any tree with a caliper of six inches (6") or larger, or of any specimen tree, must be specifically requested by the applicant and approved in writing by the Village prior to any action being taken to remove the tree or to damage or disturb the tree in any way. Removal of such trees without this approval is expressly prohibited.
4. Required Maintenance and Replacement of Dead Plantings: The landowner shall be responsible for:
 - a. The regular routine maintenance, as defined in this section, of all required landscape and protected trees to maintain a vigorous, healthy, and growing conditions, free from disease, pests, litter, and other undesirable elements;
 - b. The repair or replacement of required landscape structures, including walls and fences, to a structurally sound condition in design compatible with and complementary to the surroundings;
 - c. Dead plant materials within required plantings, as per the approved landscape plan, shall be replaced within one (1) year after they die;
 - d. Any replacement plants must be of the same size and species as shown on the approved landscaped plan, or they must, in terms of quality, size and species, equal or exceed the requirements of this section. Such plant replacements shall not be considered an amendment to the approved plan unless the landscape design is to be significantly altered.
5. Xeriscape Landscaping Preferred: All landscaping, trees, shrubs, and ground cover should be of a type that minimizes water consumption, unless the overall project has an effluent water disposal requirement. The appearance of landscaped areas should be informal, with clustering preferred over rigid row plantings

E. Landscape Requirements for Nonresidential and Multi-family Residential Development:

1. The provisions of this section apply to all new nonresidential and multi-family residential developments within the Village.
2. Buffer along F.M. 2769 and Lime Creek Road: Except for the clearing necessary to provide utilities, sidewalks, or access, no clearing of trees shall be permitted

within fifty feet (50') of the right-of-way lines of F.M. 2769 and Lime Creek Road.

3. Landscaped Buffer Strips required between residential and nonresidential uses: All lots, or parts of lots, which contain nonresidential use and whose side or rear lot lines are adjacent to a single-family residential district or use and not separated by a public street or roadway, shall be screened from such single-family residential district or use by a landscaped buffer strip consisting of a suitable fence or plant material at least six feet (6') in height, as shall be approved by the council along such side or rear lot lines thereof. Where a screening wall or fence is used, such fence shall be constructed of wood or masonry materials to provide a solid visual barrier as approved by the council and shall be placed entirely upon the lot wherein the nonresidential use is located. Maintenance responsibility of such fence or wall shall be borne by the nonresidential property owner.
4. Landscape Buffer Strips – Height of Planting: The required height of landscape buffer screens shall be measured from the elevation of the adjacent area to be screened. In cases where the elevation of the planting location is lower than the elevation of the edge of the adjacent area to be screened, the required height of the screen or planting shall be increased in an amount equal to such difference in elevation up to total height of eight feet (8'). In cases where the elevation of the planting location is higher than that at the edge of the adjacent area, the required height of the screen shall be six feet (6'). This is to ensure screening of taller buildings, to lessen the possibility that people or vehicles will go over the screen onto adjoining residential property, and to help preserve the privacy of adjacent residential uses.
5. Landscape Buffer and Screening Strips – Width: Vegetated buffer and screening strips required under this section shall be at least five feet (5') in width at all points, and shall be graded and furnished with appropriate ground cover and other vegetation and structures as approved by the council. Landscaped buffer strips shall be maintained and kept clean of all debris, rubbish, foreign materials and weeds.
6. Landscaped Buffer and Screening Strips – Plantings Generally: Within buffer and screening areas using landscaped strips designated to be six feet (6') in height or taller, a solid and continuous landscape screen shall be planted and maintained. Such landscaping shall consist of massed evergreen and deciduous trees and shrubs of such species and sex as to produce a predominantly opaque screen of at least six feet (6') in height and within three (3) years, or three (3) growing seasons, of initial planting, and such that the screening materials continually restrict a clear view beyond such buffer strip.
7. Buffering and Screening of equipment and storage areas required: All mechanical equipment, fuel storage, materials storage, ground-mounted satellite dishes and antennae, service or delivery areas and solid waste container areas shall be

buffered and screened from the street by an appropriate vegetative screen or fence, except to the extent needed to provide access or to provide free circulation of air.

8. Substitution of fence or wall for plantings: In required buffer or screening areas where a natural vegetative strip is deemed impracticable or inappropriate, a suitable screening wall or fence may be substituted, as recommended by the commission and as approved by the council.
9. Fences: Fences and fence supporting structure shall be well constructed, durable, maintained in good condition, and promptly removed, if not required, or replaced when it becomes dilapidated or unsightly. Fencing, walls and screens shall comply with Section 33.337 of this article.
10. In approving fences and walls, the Village shall be guided by the proposed structure's appropriateness to the character of the neighborhood, and by the rights of the adjacent landowners to views and prevailing breezes. Fences must be muted in color to prevent visual domination of the landscape or structure which it contains.
11. Landscaping of Street Yards: On all nonresidential and residential land to which this section applies at least twenty percent (20%) of the street yard shall be landscaped. No vegetation or landscaping within the right-of-way and no trees in the right-of-way shall be counted toward the satisfaction of the street yard requirements.
12. Trees: All newly planted trees shall be planted in a pervious area of at least one hundred sixty-two square feet (162 sf) in size, and no curb or pavement shall be located within five feet (5') of the trunk of any tree. Within the street yard outside the boundaries of the vehicle use areas, at least one (1) tree of at least a three inch (3") caliper, either existing or planted, shall be included or replaced as necessary to maintain the following minimum ratios:
 - a. In street yards up to 10,000 square feet: One (1) tree for each one thousand square feet (1,000 sf), or fraction thereof, of street yard.
 - b. In street yards between 10,000 and 110,000 square feet: One (1) tree for each two thousand five hundred square feet (2,500 sf), or fraction thereof, of street yard area over ten thousand square feet (10,000 sf) is added to the requirements of ten (10) trees as stipulated in subsection (A) above.
 - c. Plantings of trees within the street yard will count toward the tree replacement requirements of subsection (21) below.

- 13 Buffering and Screening: All parking and drainage, including non earthen stormwater collection, retention and detention ponds, areas adjacent to roadways, all off-street loading areas and off-street parking areas containing three (3) or more parking spaces shall have effective buffering and screening from the street view and from adjacent single-family residential uses. Landscaped buffers and screens or landscaped berms of at least three feet (3') in height shall be appropriate for buffering and screening of parking and drainage areas. Vegetation selected for the three-foot (3') height buffer and screen shall be evergreen plant species, and they shall be spaced and massed so as to provide a solid buffer and screen within two (2) years, or two (2) growing seasons, from the planting date. Buffer and screening and highway planting should include a variety of plant species with low maintenance requirements, selected from the plant materials required in subsection (j) below. A combination of shrub and tree plantings is preferred; but in any case, a minimum of one (1) tree of a minimum three inch (3") caliper and a minimum eight feet (8') in height, and three (3) shrubs of a minimum five (5) gallon size, are required for each thirty feet (30') of street frontage. Groundcover should be planted on landscaped berms with appropriate plant container size and spacing that will provide full coverage within one (1) year of installation in order to prevent erosion. Berms shall be designated to transition to existing grades, and shall not exceed a slope of 3:1. A slope greater than this is generally difficult to mow and maintain.
- 14 Buffering and Screening of Earthen Ponds: Ponds that are primarily constructed of earthen material may be exempt from the strict application of the screening requirements of subsection (13) above, at the discretion of the Village depending on the location of the pond and the aesthetic impact it will have on a neighboring single-family residential use property.
- 15 Required Landscaping in Vehicular Use Areas: Within all vehicular use areas and parking areas, a minimum of fifteen percent (15%) of the gross square footage of such vehicular use areas shall be devoted to landscaped islands, peninsulas and medians. Vehicular use areas and parking areas include the area within the parking lot boundaries, as determined by extending the curb lines of these areas around the outside perimeter of the areas. Sidewalks and designated loading or unloading areas for service vehicles shall not be considered as vehicular use areas. All off-street parking areas that provide up to twelve (12) parking spaces shall have at least one (1) tree planted and maintained within the boundaries of the parking area. All off-street parking areas that provide for twelve (12) or more parking spaces, shall have trees planted and maintained within the boundaries of the parking area including within islands, peninsulas, and medians, at a ratio of at least one (1) tree with a three inch (3") caliper trunk or greater for each twelve (12) parking spaces, or fraction thereof, in soil plots of at least one hundred sixty-two square feet (162 sf). For parking lots with twenty (20) or more spaces, at least fifty percent (50%) of the required parking area landscaping shall be installed in islands separating adjacent parking spaces, in peninsulas to individual

parking spaces, and in medians separating parking aisles. At least one (1) tree shall be located within each landscaped island.

The applicant may petition the Village to cluster the islands, peninsulas, and/or medians into larger islands, peninsulas, or medians, as a variance. The purpose of this variance petition is to save a cluster of trees or to provide greater landscape features within the parking area, excluding any required buffer or setback area. The commission will not recommend and the council will not grant the variance if the total landscape area within the parking area is less than fifteen percent (15%).

16. Landscaped Islands, Peninsulas, and Medians:

- a. The number and size, subject to the per-tree pervious soil requirement above, and shape of required islands, peninsulas, and medians within all vehicle areas shall be at the discretion of the landowner and in accordance with governing provisions pertaining to visibility, traffic, and pedestrian safety. However, no parking space shall be located further than fifty feet (50') from a tree trunk in a pervious landscaped island, peninsula, or median. All islands, peninsulas, and medians required in the vehicle use areas stated above, shall be more or less evenly distributed throughout such parking areas, respectively; however, the distribution and location of landscaped islands, peninsulas and medians may, subject to council approval, be adjusted to accommodate existing trees or other natural features so long as the total area requirement for landscaped islands peninsulas, and medians for the respective parking areas above, is satisfied. Canopy trees to create shade over paved surfaces shall be provided.
- b. Landscaped islands shall comply with the following criteria:
 - (i) There shall be at least one (1) landscaped island for each twelve (12) parking spaces, but in no case shall there be less than one (1) landscaped island for parking areas with three (3) or more parking spaces;
 - (ii) There shall be one (1) landscaped island at each end of a parking space row;
 - (iii) Each landscaped island shall have a minimum of one (1) tree located in the island, along with other landscape plantings;
 - (iv) Landscaped islands shall have a minimum width of nine feet (9') and a minimum depth of eighteen feet (18').
- c. Parking space rows shall be separated from each other by the aisle or by a landscaped median of at least five feet (5') in width. Trees shall not be

planted within the median unless the median is at least twelve feet (12') in width and no paving or impervious cover is within five feet (5') of the trunk of the tree.

- d. Trees within islands, peninsulas, and medians of vehicle use areas located within the street yard shall not count toward fulfilling the street-yard tree requirements of subsection (12) above.
- e. Except for landscaping of rights-of-ways, all landscaping which is required in landscaped areas and which is adjacent to pavements shall be protected with concrete ribbon curbs or equivalent, visually attractive barriers such as wheel stops, stone or masonry bumpers, or railroad ties.
- f. Plantings of trees within landscaped islands, peninsulas, and medians will count toward the tree replacement requirements of subsection (21) below.

- 17 Plantings Within Rights-of-Ways and Easements: It shall be fully understood and agreed that any landscaping over dedicated utility or drainage easements or rights-of-ways may require removal and replacement at the owner's expense should such easements be required by any authorized utility company, or should they be required to provide adequate drainage capacity.

In order to utilize the right-of-way or easements as provided above, said right-of-way or easement shall be subject to the following requirements:

- a. All landscaping within the Village's rights-of-ways shall require the approval of the Village.
- b. The Village or any other jurisdictional governmental body may at any time require such landscaping to be removed, and the Village shall not be held responsible or liable for any cost or damages due to such removals. If such landscaping is required to be removed, it shall be replaced elsewhere within the remaining street yard within ninety (90) days or in the next planting season.
- c. All such landscaping shall be in compliance with all governing provisions pertaining to visibility, traffic, and pedestrian safety.
- d. No planter or other permanent structure may be placed within the right-of-way or within drainage or utility easements.
- e. The owner of the lot shall be responsible for maintaining any landscaping located within the right-of-way adjacent to his or her property, and within any drainage or utility easements located on his or her property.

- f. In the event that any other governmental entity owns or controls the public right-of-way at the particular location in question, permission for installation of the landscaping must be obtained from the entity involved.
- g. No vegetation, except lawn grass, or rocks larger than six inches (6") shall be permitted within the rights-of-ways within eight feet (8') of the street pavement or curb.
- h. Vegetation proposed for county or state rights-of-ways must receive approvals from the rights-of-way owners.
- i. Vegetation within rights-of-ways shall be irrigated; however, no irrigation lines shall be installed in any right-of-way unless approved by the Village as a variance.

In addition to enforcing the penalty provision of this article, the Village may remove from the street rights-of-ways, any growths and materials prohibited by this section and, in so doing, the Village, its officers, agents and employees shall not be liable to the owners thereof. Any expense incurred by the Village for such removals will be charged to the property owner.

- 18. Visibility, Traffic and Pedestrian Safety: Landscaping, including plant materials, berms and walls, shall not obstruct the view of vehicles between the street and access drives or parking aisles near the street yard entries and exits, nor shall any landscaping which creates an obstruction of view be located in the radius of any curb return. All plant materials within critical visibility areas and within required sight triangles shall be less than thirty inches (30") in height or shall be single-trunk trees that have a clear trunk height of at least nine feet (9') above the ground in order to ensure good visibility for all types of vehicles.
- 19. Landscape Irrigation: All required landscaping areas with multi-family residential and non-residential uses shall be 100% irrigated by one of the following methods, or a combination of methods:
 - a. An automatic underground irrigation system; or
 - b. A drip irrigation.

All irrigation systems shall be designed and sealed in accordance with the Texas Licensed Irrigators Act by a qualified licensed irrigator, registered landscape architect or licensed professional engineer.

No irrigation shall be required for undisturbed natural areas or undisturbed existing trees except as required by the Village's non-point source pollution control ordinance.

20. Water Features and Ponds: Manmade water features, such as fountains and ponds, that incorporate the use of natural rock or earth fills, are encouraged, and should be designed as an integral part of the overall landscape design concept. These features are especially desirable in courtyards, patio areas, and natural low-lying areas. It is encouraged that stormwater detention and retention areas be designed to freeform shapes to blend with the natural landscape, and the use of natural rocks and boulders with spillways of natural rock is encouraged to create visual appeal.
21. Replacement Trees:
- a. Protected trees that are removed shall be replaced with trees required in subsection (j) below.
 - b. A sufficient number of trees shall be planted to equal, in total caliper, the diameter of each tree removed.
 - c. Replacement trees shall have a minimum of three inches (3") caliper, measured four and one-half feet (4.5') from natural grade. Container-grown trees are preferred to balled and burlap field grown trees.
 - d. Replacement trees shall be located on the subject site, unless approved by the Village as a variance.
 - e. Replacement trees shall not be planted in the following locations unless approved by the Village as a variance:
 - (i) Where the mature canopy of the tree will interfere with overhead utility lines.
 - (ii) Where the mature root zone of the tree will interfere with underground utility lines.
 - (iii) Within ten feet (10') of a fire hydrant.
 - (iv) Within five feet (5') of paving or a curb.
 - (v) Where at least fifty percent (50%) of the mature root zone of the tree will be covered by impervious cover.
 - (vi) Where at least fifty percent (50%) of the mature root zone will undergo cut or will undergo fill.
 - (vii) Within the public right-of-way.

f. Landscape Plan-Nonresidential and Multi-family Residential Development:

- (i) This subsection applies to all new nonresidential and multi-family residential developments within the Village.
- (ii) When an application is made for a site plan approval or site development permit approval, a landscaping plan shall also be submitted for any development where the landscaping requirements of this section are applicable. The Landscape Plan shall be at the same scale as the site plan, with the enlarged details, as needed, to show detailed planting areas, containing the information listed in subsections (A) through (M) below, and shall be submitted to the commission for recommendation and approval by the council.
 - (a) The legal description of the property;
 - (b) The date, scale (to be a known engineering scale), north point, title or name of the development, and the name and address and phone number of the owner;
 - (c) The name, address and phone number of the company or individual who prepared the Landscape Plan;
 - (d) The location of existing boundary lines and dimensions of the tract;
 - (e) A topographical map with two feet (2') contours, referenced to mean sea level datum, showing building footprints, streets, driveways, utility and drainage easements, parking areas, drainage and utility structures, and other site improvements drawn to scale.
 - (f) The approximate center line of existing water courses and designated floodplains; the approximate locations of significant drainage features; and the location and size of existing and proposed streets and alleys, existing and proposed easements on or adjacent to the lot, and existing and proposed sidewalks adjacent to the street.
 - (g) The location, caliper size, and species of existing trees within the limits of construction, within the street yard, and within public rights-of-ways and street easements adjacent to the lot(s), having trunks three inches (3") caliper or larger and the corresponding sizes of their crowns. All

specimen trees with a caliper of twelve inches (12") or larger must be drawn such that they are easily visible to the plan observer.

- (h) The location, size, and type of proposed landscaping in proposed landscaping areas; and the location and size, by square footage, of proposed landscaped areas.
- (i) Landscape calculations to verify compliance with this section.
- (j) Nominal planting details and specifications, including specified plant and trees species, container size, initial planted height, plant spacing and caliper size, as appropriate for each type of plant material, for the installation of the proposed landscape.
- (k) Location of and construction details for the protective barrier the applicant plans to use to protect existing trees which are proposed to be retained; from damage during construction.
- (l) The proposed irrigation system.
- (m) Integrated landscape and pest management plan.
- (n) Certification:
 - (1) Lot or combined lots less than one (1) acre in area: Certification by an architect, landscape architect, or licensed nurseryman, that the landscape plans satisfy the requirements of this section.
 - (2) Lot or combined lots more than one (1) acre in area: Certification by a landscape architect that the landscape plans satisfy the requirements of the section.
 - (3) If a project is developed in phases, required landscaping and screening must be completed in sequence with development plans and shown as such on a landscape plan.

F. Protection of Trees – Residential and Nonresidential Development:

1. This section applies to all new residential and nonresidential development within the Village.
2. All protected trees next to an excavation site or to a construction site for any building, structure, or street work, shall be guarded with a good substantial fence, frame, or box not less than four feet (4') high and surrounding the entire protected zone of the tree(s). The barriers shall be approved by the Village and shall be in place before any site clearance or other site-distributing act commences. Any barrier with lesser dimensions than those specified above shall be subject to approval by the Village. All building material, dirt, excavation or fill materials, chemicals, construction vehicles or equipment, debris, and other materials shall be kept outside the barrier. Barriers shall remain in place until the final building and landscape site inspections are satisfactorily completed for the issuance of the certificate of occupancy.
3. No person shall excavate any ditches, tunnels, or trenches, place any paving material, or place any drive within the protected zone of any protected tree without first obtaining a written permit from the Village.
4. Unless specifically authorized by the Village, no person shall intentionally damage, cut, carve, transplant, or remove any protected tree or shrub; attach any rope, wire, nails, advertising posters, or other contrivance to any protected tree or shrub; allow any gaseous, liquid or solid substance which is harmful to such plants to come in contact with them; or set fire or permit any fire to burn when such fire or the heat thereof will injure any portion of any protected tree or shrub.
5. It shall be the duty of any person or persons owning or occupying real property bordering on any street upon which property there may be trees, to prune such trees in such manner that they will not obstruct or shade the street lights, obstruct the passage of pedestrians on sidewalks, obstruct vision of traffic signs, or obstruct the view from any street or alley intersection. The minimum clearance of any overhanging portion thereof shall be ten feet (10') over sidewalks and fourteen feet (14') over all streets, except truck thoroughfares which shall require a clearance of sixteen feet (16').
6. It shall be the duty of any person or persons owning, occupying or controlling real property upon which tree trimming or removal occurs to advise all landscape contractors, tree services, arborists and others who remove or trim trees of the need for proper disinfection of all cutting tools and the required painting of all tree cuts on oak trees with a proper sealant immediately after cutting or pruning to prevent the spread of oak wilt and to ensure such sealing of cuts.
7. The removal of an existing tree(s) from a development site must be in accordance with this article and all other applicable ordinances of the Village.

Prior to the removal of any protected or specimen tree, as defined within this section, the property owner must first submit a letter to the Village that describes in detail which tree(s) will be removed, how the removal will be performed, including what machinery and equipment will be needed, and the date and time whereupon the anticipated removal will occur. The letter must also include a notarized statement by the owner that the tree(s) to be removed is (are) either not a protected or specimen tree(s), as defined within this section, or that its (their) removal will be in complete conformance with the provisions of this section. The letter must be submitted at least one (1) week in advance for the removal operation.

- G. Maintenance: The owner, tenant and their agent, if any, shall be jointly and severably responsible for the maintenance of all landscaping. All required landscaping shall be maintained in a neat and orderly manner at all times. This shall include, but not be limited to, mowing of grass six inches (6") or higher, edging, pruning, fertilizing, watering, weeding, and other such activities common to the maintenance of landscaping. Landscaped areas shall be kept free of trash, litter, weeds, and other such material or plants not a part of the landscaping. All plant material shall be maintained in a healthy and growing condition as is appropriate for the season of the year. Plant materials which die shall be replaced with plant material of similar variety and size, within ninety (90) days. Trees with a caliper in excess of four inches (4") may be replaced with trees of similar species having caliper sizes of no less than three inches (3") as long as the aggregate caliper size of the replacement trees are equal to or greater than the aggregate caliper size of the tree(s) replaced. A time extension may be granted by the Village, if substantial evidence is presented to indicate abnormal circumstances beyond the control of the landowner.
- H. Integrated Landscape and Pest Management Plan – Nonresidential and Multi-Family Development: The use of herbicides, pesticides and fertilizers shall comply with the approved integrated landscape and pest management plan.
- I. Plantings:
 - 1. General:
 - a. Container grown trees are recommended over balled and burlap field grown trees.
 - b. Plantings procedures shall comply with the American Nurserymen & Association standards.
 - c. Turf and landscape areas shall have a minimum of four inches (4") of topsoil.

- d. A minimum of three inches (3") of organic mulch shall be added to landscaped areas after planting. Non-porous material, such as sheet plastic, shall not be placed under the mulch.
- e. The use of native plant species is recommended.
- f. The use of low water and drought tolerant plant species is recommended.
- g. Approved Plantings List: Only those plant species listed on the Lady Bird Johnson Wildflower Center "Native Plant Information Network", latest update, shall be used in landscaping in the Village. The approved plantings list is available at the Village's administrative office.

Sec.33.339 Fencing, Walls and Screening Requirements

- A. Purpose: Fencing, walls and screening are required to encourage the most appropriate use of land while conserving and protecting the privacy and value of adjacent permitted uses. Regulations are prescribed for the location and type of various screening devices to be used when required in the various zoning districts or in this section in accordance with the following standards.
- B. Screening of Nonresidential and Multi-Family Uses:
 - 1. In the event that multi-family or non-residential uses side or back upon a single-family district or use, a solid masonry or wood screening wall of not less than six feet (6'), nor more than eight feet (8'), in height shall be erected in conjunction with landscaping elements on the property line separating these districts or uses. The purpose of the screening wall or fence is to provide a visual and protective barrier between the properties.
 - a. The owner of the multi-family or non-residential use property shall be responsible for and shall build and maintain the required wall on the property line dividing the property from the single-family residential district or uses. This construction requirement applies only when multi-family or non-residential use is adjacent to residential use.
 - b. When screening is required between nonresidential and residential uses, it shall be the responsibility of the nonresidential use to construct and maintain the screening wall.
 - c. Any screening wall or fence required under the provisions of this article or other Village ordinances shall be constructed of wood, masonry, reinforced concrete, or other similar suitable permanent materials which do not contain openings. All wall or fence openings shall be equipped with gates equal in height and screening characteristics to the wall or fence.

- d. Alternative equivalent screening may be approved by council through the site plan approval process.
- 2. In nonresidential and multi-family districts and uses, no fence or wall shall be erected in any front yard or side yard which is adjacent to a public street unless the fence or wall is required to screen the development from an adjacent residential area, particularly if the residence has, or could have, a back yard fence that would be exposed to view from the street if the required screening wall were not extended out to the street right-of-way line. If required to screen a residential area, the screening fence or wall shall be extended out to the street right-of-way line by the developer of the nonresidential or multi-family development, and the fence or wall shall be finished on both sides in a manner and color that is compatible to the exterior finish materials used on the nonresidential or multi-family buildings. Screening fences or walls shall be placed such that they do not impede visibility for vehicles entering or exiting the nonresidential or multi-family development.
- 3. Open storage of materials, commodities or equipment shall be screened with a minimum six-foot (6') fence or wall, and shall not be visible from the street or from adjacent property.
- 4. In districts permitting open storage, screening shall be required only for those areas used for open storage. A six-foot (6') screening fence or wall shall be provided and maintained at the property line adjacent to the area to be screened by one or a combination of the following methods:
 - a. Solid masonry consisting of rock, stone, or other material that is equivalent, visually and qualitatively;
 - b. Wrought iron in conjunction with solid landscape screening;
 - c. Wood or wood vinyl in conjunction with solid landscape screening; and
 - d. Alternate equivalent screening may be approved by council through the site plan approval process.

No outside storage may exceed the height of the fence. Outside storage exceeding eight feet (8') shall require approval of the council as a variance.

- 5. Refuse storage areas which are not within a screened rear service area and which are visible from a public right-of-way or street easement for all nonresidential and multi-family uses shall be visually screened by a minimum six-foot (6') solid masonry wall on at least three (3) sides. The fourth side, which is to be used for garbage pickup service, may provide an optional gate to secure the refuse storage area. Council through the site plan approval process may approve alternate equivalent screening methods. Each refuse facility shall be located so as to

facilitate pickup by refuse collection agencies. Adequate reinforced paved areas shall be provided for refuse facilities and their approaches for loading and unloading.

6. Plans and specifications for screening and fencing around ground-mounted utility structures, including transformers and natural gas regulating stations, shall be approved in writing by the affected utility company, and shall be submitted, along with an approval letter from the utility company, to the Village for review and approval prior to construction of said screening or fencing.
7. Chain link fences shall be vinyl coated and colored black or green.

C. Fences in Single-Family Residential Areas:

1. Any fence or wall located to the rear of the minimum required front yard line shall not exceed eight feet (8') in height.
2. Any fence or wall that faces a street shall be constructed of wood, ornamental iron, stone, concrete, stucco or brick façade. Wire fencing is permitted behind the foregoing materials. A fence that was in existence on or prior to the effective date of this article may be restored to its original condition, may be repaired, and may be extended by twenty-five percent (25%) of its length as measured on or before the effective date of this article.
3. Gates designed for vehicular access shall be set back from the property line a minimum of twenty-five feet (25').
4. Fences around swimming pools shall comply with the Standard Swimming Pool Code and the Village's codes or ordinances pertaining to it.
5. Special purpose fencing, such as fencing around tennis courts, is permitted. If a chain link fence is used it shall be vinyl coated and colored black or dark green.

- D. All mechanical and utility equipment, whether ground- or roof-mounted, shall meet all applicable front, side and rear setback requirements of the applicable zoning district, shall be of a neutral color, and shall be screened from view of any street or adjacent property up to and including a "line-of-sight" height of five feet (5') above the street right-of-way line or street easement line and all other boundary lines of the subject property. Roof-mounted equipment shall be located as close to the center of the building as reasonably possible, and shall be screened by a parapet wall of the same color and finish as the building facade or by some other architectural feature that is complementary to the design of the building facade. A dense, opaque evergreen landscaped screen shall screen ground-mounted equipment. A six-foot (6') tall solid masonry wall may be used in lieu of the landscaped screen provided that the exterior finish materials are neutral in color and are compatible with the color and finish of the building on the premises. Plans and specifications for screening and fencing around ground-mounted utility structures,

including transformers and natural gas regulating stations, shall be approved in writing by the affected utility company, and shall be submitted, along with an approval letter from the utility company, to the Village for review and approval prior to construction of said screening or fencing.

Sec. 33.340 Slope Limits

- A. No construction or land disturbing activities shall be permitted on natural grades with slopes of twenty-five percent (25%) or steeper.
- B. No roadways or driveways shall be constructed on natural grades with slopes steeper than fifteen percent (15%) except where necessary to provide primary access to areas of flatter slopes, constituting a minimum of two (2) contiguous acres or building sites for at least five (5) residential units.
- C. All finish or final grading on slopes three to one (3:1) and steeper shall be stabilized by techniques approved by the Village.
- D. Erosion control matting shall be installed on all disturbed areas with a finished grade of four to one (4:1) or steeper.
- E. Site development plans for those sites having natural grades with slopes steeper than fifteen percent (15%) slopes shall include a slope map drawn at the same scale as the topographic map, depicting slopes of 0-15%, 15-25%, 25-35%, and over 35%. Slopes maybe calculated based on contour intervals not to exceed four feet (4'). The slope map shall include a tabulation of the site area per each slope category.

Sec. 33.341 Cut and Fill

- A. Land Balancing:
 - 1. All cut and fill land balancing shall be limited to a maximum of five feet (5'), except as modified in subsection (c) below.
 - 2. Retaining walls shall not exceed one foot (1') above the material being retained within the front setbacks.
 - 3. Retaining walls over five feet (5') in height shall be detailed in the site development plan. Deferred submittals for retaining walls over five feet (5') are not allowed.
- B. Detention and Water Quality Ponds:

1. There are no cut or fill limitations for the construction of water quality basins and stormwater detention ponds.
 2. Developer shall provide to the Village proof of compliance with state dam safety regulations for all "dams" as defined and as regulated in the Texas Administrative Code, Title 30; Chapter 299.
- C. Streets and Rights-of-Ways: All cut and fill for the construction of streets and rights-of-ways shall be limited to ten feet (10').
- D. Spoils Disposal:
1. No fill shall be placed on any lot prior to the issuance of a site development permit and/or a non-point source pollution control permit.
 2. Temporary spoils on sites identified on construction drawings and approved by the Village shall be removed prior to the issuance of a certificate of acceptance for the associated construction project.
 3. Prior to removal of spoils from a site, the developer shall notify the Village as to the destination of the spoils.

Sec. 33.342 Erosion and Sedimentation Controls

- A. All site developments and land disturbing activities shall install erosion and sedimentation controls to control silting and erosion.
- B. A general description of the erosion and sediment control plan shall be submitted with all requests for permits and approvals for site development.
- C. Implementation of erosion and sediment control and restoration measures shall be in accordance with the Village's non-point source pollution control ordinance and with the City of Austin, Texas Environmental Criteria Manual, (latest edition).
- D. Erosion control matting shall be installed on all disturbed areas with a finished grade of four to one (4:1) or steeper.
- E. All areas disturbed by construction shall be re-vegetated.

Sec. 33.343 Non-Residential and Multi-Family Land Clearing

The clearing of land within the Village shall conform to the following criteria:

1. There are no cut or fill limitations for the construction of water quality basins and stormwater detention ponds.
 2. Developer shall provide to the Village proof of compliance with state dam safety regulations for all "dams" as defined and as regulated in the Texas Administrative Code, Title 30; Chapter 299.
- C. Streets and Rights-of-Ways: All cut and fill for the construction of streets and rights-of-ways shall be limited to ten feet (10').
- D. Spoils Disposal:
1. No fill shall be placed on any lot prior to the issuance of a site development permit and/or a non-point source pollution control permit.
 2. Temporary spoils on sites identified on construction drawings and approved by the Village shall be removed prior to the issuance of a certificate of acceptance for the associated construction project.
 3. Prior to removal of spoils from a site, the developer shall notify the Village as to the destination of the spoils.

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- B. A general description of the erosion and sediment control plan shall be submitted with all requests for permits and approvals for site development.
- C. Implementation of erosion and sediment control and restoration measures shall be in accordance with the Village's non-point source pollution control ordinance and with the City of Austin, Texas Environmental Criteria Manual, (latest edition).
- D. Erosion control matting shall be installed on all disturbed areas with a finished grade of four to one (4:1) or steeper.
- E. All areas disturbed by construction shall be re-vegetated.

Sec. 33.343 Non-Residential and Multi-Family Land Clearing

The clearing of land within the Village shall conform to the following criteria:

- A. No right-of-way clearing, rough cutting or site clearing whatsoever shall be allowed without first obtaining Village approval through the site development and non-point source pollution control permitting and approval processes.
- B. No clearing or rough cutting shall be permitted until the construction of temporary erosion and sedimentation controls are in place.
- C. Vegetation within the critical water quality zone may not be disturbed except for purposes consistent with the NPS pollution control permit.
- D. Unless approved phasing allows, the length of time between land clearing of rights-of-way and final surfacing of streets shall not exceed twelve (12) months. If an applicant does not meet this deadline, the Village will notify the applicant in writing that the Village may complete the streets or re-vegetate the disturbed area at the applicant's expense unless the applicant does so within sixty (60) days after the date on the notice.

Sec. 33.344 Drainage

- A. Application: The Village drainage regulations shall govern the planning and design of storm drainage facilities within the Village and within all areas subject to its extraterritorial jurisdiction. Definitions, formulae, criteria, procedures and data shall comply with the City of Austin, Texas Drainage Criteria Manual (latest edition). In order to receive a variance to any of the criteria in this section, the applicant must receive approval from the council.
- B. General:
 - 1. In this section, any reference to storm water runoff shall mean that runoff is calculated to exist under fully developed conditions with no upstream detention, even if upstream detention exists.
 - 2. All drainage facilities including streets, inlets, storm sewers, and drainage facilities shall be designed to intercept and transport runoff from a 25-year frequency storm.
 - 3. In addition to subsection (1) above, the drainage system shall be designed to convey to off site locations those flows greater than a 25-year frequency up to and including a 100-year frequency storm within defined rights-of-ways or drainage easements.
 - 4. Peak flows shall not be increased at any location off the subject site for the two (2), ten (10), twenty-five (25), or one-hundred (100) year storm frequencies.
 - 5. Regulation of peak flows to allowable levels as determined by the provisions of this section shall be achieved by storm water storage on-site or off-site. Storm

water detention shall comply with the City of Austin, Texas Drainage Criteria Manual (latest edition).

6. For those developments which are immediately adjacent to and discharge directly into Lake Travis, on-site detention is not required. The landowner shall however realize that if any unforeseen condition requires some measure of protection, it will be his or her responsibility to identify such and make provisions within his or her design.
7. Stormwater Detention Waiver Eligibility: A single-family residential development project is eligible for a waiver of stormwater management requirements for detention if the applicant can demonstrate that each individual single-family residential lot is greater than one (1) acre in area and impervious cover does not exceed twenty percent (20%). Developments of this nature are encouraged to utilize an open roadway section to limit the use of storm sewers to promote water quality enhancement in roadside swales.

Applicant should however realize that if an unforeseen condition (outfall erosion, etc) requires some measure of protection, it would be applicant's responsibility to identify such and make provisions within its drainage management. Discharge points shall include energy dissipation controls to mitigate increases in energy as a result of the development. Sheet flow shall be achieved prior to discharge from the development unless intervened by an existing channel or creek.

8. **Street Drainage:**
 - a. No lowering of the standard height of street crown shall be allowed for the purposes of obtaining additional hydraulic capacity.
 - b. For non-curbed streets all flows shall be contained within paralleling roadside ditches.
9. **Drainage System:**
 - a. All drainage system components within public rights-of-ways or drainage easements shall be manufactured and installed in compliance with the City of Austin, Texas Standard Specifications (latest edition). This provision applies only to those drainage systems that are to become an integral part of the public storm sewer system, and excludes any private internal site systems.
 - b. Construction plans for proposed reinforced concrete box culverts; bridges and related structures may be adaptations of the Texas Department of Transportation (TX DOT) Standards.

- c. For bridges and culverts in residential streets, runoff from the 100-year frequency flow shall not produce a headwater elevation at the roadway greater than either twelve inches (12") above the roadway crown elevation or any top of upstream curb elevation, whichever is lower.
- d. For bridges and culverts in streets other than a residential street, runoff from the 100-year frequency storm shall not produce a headwater elevation at the roadway greater than six inches (6") above the roadway crown elevation or six inches (6") above any top of upstream curb elevation, whichever is lower.
- e. For drainage facilities (including headwalls, open channels, storm sewers, area inlets, detention retention and water quality controls and their appurtenances) located within drainage easements, excluding roadway culverts and bridges, the means for access and maintenance shall comply with the following requirements:
 - (i) Barrier-type fences, such as chain link, solid woods, masonry, stone or wrought iron, at least six feet (6') high are required to prevent access to detention, retention and water quality facilities that have interior slopes steeper than 3H:1V and are located within five hundred feet (500') of a residential structure. Steel fence posts shall be set in a minimum of eighteen inches (18") deep with a twelve inches (12") minimum diameter concrete footing.
 - (ii) The landscaping requirements of Section 33.336 of this article apply for all detention, retention and water quality facilities.
 - (iii) A twelve-foot (12') wide maintenance access strip is required around the perimeter of detention, retention, and water quality facilities. This maintenance access strip shall not have a post construction slope steeper than fifteen percent (15%). In addition, detention, retention, and water quality facilities shall not be located within fifty feet (50') of a residential structure, and shall have a permanent maintenance equipment maintenance ramp. This distance for the maintenance access strip and fifty foot (50') residential setback shall be measured from the edge of any portion of the facility such as the toe of facility embankment, end of concrete apron/rock rip rap, or top of structural wall.
 - (iv) Discharge from storm sewer outfalls shall not cause channel, bluff, or stream bank erosion. Applicant must show acceptable non-erosive conveyance to the creek flow line and a stable headwall.
 - (v) Free standing structural walls/facilities located on or adjacent to a residential lot shall not be greater than six feet (6') in height.

- (vi) Drainage or drainage access easements on side lot lines, shall be located adjacent to a property line and not centered on a property line.
- (vii) Access/drainage easements and access drives are required for detentions, retention, and water quality facilities. Access drives shall be a minimum twelve feet (12') wide and not exceed fifteen percent (15%) grade. A turning radius not less than fifty feet (50') is required for all horizontal alignments. Grade changes shall not exceed twelve percent (12%) for vertical alignments.

The access drive shall include a means for equipment to turn around when located more than two hundred feet (200') from a public roadway. Access drives shall be cleared, graded and stabilized with stones.

- (viii) Access drives are required for area inlets and headwalls when access is proposed between family lots or when access from any other location exceed twenty percent (20%) grade. Access drives shall be a minimum of twelve feet (12') wide and not exceed twenty percent (20%) grade. Access drives shall be cleared, graded and stabilized with stones.
- (ix) In all cases, trees shall be preserved according to the requirements of Section 33.336 of this article.
- (x) No development, including existing conditions, shall allow stormwater to pond and become stagnant. Maximum draw down time for detention ponds shall not exceed twenty-four (24) hours. This section does not apply to environmental features or facilities.

10. Computations: Computations to support all drainage designs shall be submitted to the Village for review. The computations shall be in such form as to allow for timely and consistent review and also to be made a part of the permanent Village record for future reference. A professional engineer registered in the State of Texas shall certify all computations submitted.

11. Flood Plain Delineations:

a. Village of Volente:

- (i) In all cases where floodplain delineation is required, its determination shall be based on the projected full development of all properties contributing to the point of consideration. It is the responsibility of applicant's design engineer to determine, based

on the most accurate information available, the fully developed drainage area.

- (ii) Applicant may elect to utilize a flood plain delineation previously approved by the Village, assuming the same is still applicable under present requirements and criteria. In so doing applicant does not remove himself or herself from the responsibility for the report's accuracy.
 - (iii) For purposes of this section, a drainage area of sixty-four (64) acres or greater is required within a contributing watershed to create a "flood plain". For areas of flow with less than sixty-four (64) acres of contributing area, no flood plain shall be defined; however, with regards to the drainage criteria contained in this section any concentrated flow necessitates the dedication of a drainage easement.
- b. Federal Emergency Management Agency: If land development activities are proposed which will result in existing condition flood hazard boundary delineations different from those depicted on the current Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency (FEMA), the applicant for site development approval shall provide to the Village all information, calculations and maps as needed to satisfy all current FEMA FIRM revision procedures. This will be in addition to other information required in this section.

If an encroachment to the FEMA floodplain is proposed which will result in increases to the 100-year base flood elevation, the applicant must obtain a Conditional Letter of Map Revision (CLOMR) from FEMA prior to a development permit being issued for the project. For all other proposed modifications to the FEMA floodplain, the applicant shall apply to FEMA for a CLOMR or a Conditional Letter of Map Amendment (CLOMA) using FEMA's most current map revision submittal requirements prior to a development permit being issued for the project. FEMA's acknowledgment letter from the regional office will serve as proof of application. The CLOMR or CLOMA must be obtained from FEMA prior to the Village's final letter of acceptance for site development

The applications that will require a CLOMR or CLOMA include those in which: (i) a physical modification to the floodplain is proposed, (ii) development is proposed within an unstudied "A" Zone as defined on the FIRM, and/or (iii) the applicant disagrees with the information provided on the FIRM and wishes to have this information changed.

Submissions to FEMA for revisions to effective Flood Insurance Studies (FIS) by individual and community requesters will require the signing of

application/certification forms and the payment of fees. These forms will provide FEMA with assurance that all pertinent data relating to the revisions is included in the submittal. They will also assure that: (i) the data and methodology are based on current conditions, (ii) qualified professionals have assembled data and performed all necessary computations, and (iii) all individuals and organizations impacted by proposed changes are aware of the changes and will have an opportunity to comment on them.

A request for a revision to the effective FIS information (FIRM, FBFN, and/or FIS report) is usually a request that FEMA replace the effective floodplain boundaries, flood profiles, floodway boundaries, etc., with those determined by the requester. Before FEMA will replace the effective FIS information with the revised, the requester must: (i) provide all of the data used in determining the revised floodplain boundaries, flood profiles, floodway boundaries, etc, (ii) provide all data necessary to demonstrate that the physical modifications to the floodplain have been adequately designed to withstand the impacts of the 100-year flood event and will be adequately maintained, and (iii) demonstrate that the revised information (e.g., hydrologic and hydraulic analyses and the resulting floodplain and floodway boundaries) are consistent with the effective FIS information.

12. Definitions: All terms and abbreviations used in this section are presented in the "Glossary" of the City of Austin, Texas Drainage Criteria Manual (latest edition).

C. Responsibilities of Landowner or Developer:

1. The owner or developer of property to be developed is responsible for the conveyance of all stormwater flowing through the property, including stormwater that:
 - a. Is directed to the property by other developed property; or
 - b. Naturally flows through the property because of the topography.
2. Future upstream development shall be accounted for as determined under this section.
3. If the construction or improvement of a storm drainage facility is required along a property line that is common to more than one (1) property owner, the owner proposing to develop the property is, at the time the property is developed, responsible for each required facility on either side of the common property line.
4. The responsibility of the owner proposing to develop the property includes the responsibility to dedicate or obtain the dedication of any right-of-way or easement

necessary to accommodate the required construction or improvement of the storm drainage facility.

5. If an owner of property proposes to develop only a portion of that property, a stormwater drainage facility to serve that portion of the property proposed for immediate development or use is required, unless the Village determines that construction or improvement of a drainage facility outside that portion of the property to be developed is essential to the development or use of the property to be developed.
6. The owner or developer shall provide adequate off-site drainage improvements to accommodate the full effects of the development.
7. Dedications of Easements and Rights-Of-Ways:
 - a. The owner of real property proposing to be developed shall dedicate for the public use an easement or right-of-way for a drainage facility, open or enclosed, and stormwater flow to the limits of the 100-year flood.
 - b. An easement or right-of-way required by subsection (A) above shall be:
 - (i) A minimum of twenty-five feet (25') in width for an open drainage system; or
 - (ii) A minimum of fifteen feet (15') in width for an enclosed drainage system.
 - c. The owner of the property shall dedicate any additional easement or right-of-way that is necessary to allow continuous access for the operation, maintenance, or rehabilitation of a drainage facility.
 - d. A part of a lot or tract of land that is located in an easement or right-of-way required by this section shall be included as part of the area of the lot or tract of land in the calculation of density or impervious cover.
8. The record owner of a detention basin or appurtenance that receives stormwater runoff from a commercial or multifamily development shall maintain the basin or appurtenance in accordance with the maintenance standards in the City of Austin, Texas Drainage Criteria Manual (latest edition).

D. Restrictions:

1. Unless authorized by the Village through the site development permitting and approval processes, a person may not place, or cause to be placed, an obstruction in any waterway.

2. The person in control of real property traversed by a waterway shall keep the waterway free from an obstruction that is not authorized by a site development permit or approval.
3. A pool of standing water in a waterway that is caused by an unauthorized obstruction in the waterway is declared to be a nuisance.
4. A final plat, subdivision construction plan, or site plan will not be approved unless:
 - a. The proposed plat, construction plan, or site plan provides a sufficient waterway for the design flood, as required by this section;
 - b. Each proposed improvement is sufficiently strong to resist:
 - (i) External pressure caused by earth or building; and
 - (ii) Internal pressure or abrasion caused by water or debris;
 - (iii) The proposed grades will not permit water to gather in a pool that may become stagnant;
 - (iv) Temporary and permanent measures to control erosion are sufficient to minimize silting of the waterway;
 - (v) The proposed development will not result in additional identifiable adverse flooding on other property, and to the greatest extent feasible, preserves the natural and traditional character of the land and the waterway, and includes on-site control of the two-year peak flow, as required by this section and for pollution control in accordance with the Village's non-point source pollution control ordinance.
5. A proposed development may provide off-site control of the two-year peak flow, if the off-site control will not cause:
 - a. An adverse water quality impact from increased in-stream peak flow; or
 - b. Stream bank erosion.
6. The Village will not accept any application or plan for a proposed alteration or improvement of a bed or bank of a waterway unless the application or plan is accompanied by a certificate bearing the seal of a Texas professional engineer certifying that:
 - a. The hydraulic and structural design is adequate; and

- b. The proposed alteration or improvement complies with the ordinances of the Village and the laws of this state.
- 7. If a plat or subdivision site development plan requires the completion or partial completion of a drainage improvement before a building may be constructed on a lot, a building permit will not be issued for the lot until the drainage improvement is constructed to the satisfaction of the Village.
- 8. A site development permit will be approved only if the applicant provides fiscal security for:
 - a. Installing and maintaining erosion and sedimentation controls throughout construction on the site;
 - b. Re-vegetating the site;
 - c. Performing on-site and off-site cleanup; and
 - d. Remedying any erosion damage that results from development authorized by the site plan.
- 9. Site development will not be approved if a proposed building or parking area encroaches on the 100-year flood plain.
- 10. The Village may grant a variance to subsection (9) above if:
 - a. The finished floor elevation of a proposed building is at least two feet (2') above the 100-year floodplain;
 - b. Normal access to a proposed building is by direct connection with an area above the regulatory flood datum;
 - c. A proposed building complies with structural flood damage prevention requirements of the Village's construction codes;
 - d. The development compensates for the floodplain volume displaced by the development;
 - e. The variance is required by unique site conditions; and
 - f. Development permitted by the variance does not result in additional adverse flooding of other property.
- 11. Site development with a proposed building or parking area that encroaches on the 100-year floodplain may be approved if the encroachment is:

- a. A parking area that is smaller than five thousand square feet (5,000sf) or an unoccupied structure that has an area of less than one thousand square feet (1,000sf) and the proposed development:
 - (i) Will not have an adverse impact on the 100-year floodplain or surrounding properties; and
 - (ii) Otherwise complies with the requirements of this section;

E. Drainage Design Standards:

- 1. The design of a drainage facility or improvement shall comply with:
 - a. The City of Austin, Texas Drainage Criteria Manual (latest edition); and
 - b. Of the Village's non-point source pollution control ordinance
- 2. Storm Runoff: Storm runoff determinations shall be performed in accordance with the City of Austin, Texas Drainage Criteria Manual (latest edition) and in accordance with state dam safety regulations in the Texas Administrative Code, Title 30, Chapter 299 for watersheds of "dams".
- 3. Street Flow: Flow of water through intersections, valley gutter flow, spread of water, and ponding shall be determined in accordance with the City of Austin, Texas Drainage Criteria Manual (latest edition).
- 4. Inlets: Hydraulic designs of storm water inlets shall comply with the City of Austin, Texas Drainage criteria Manual (latest edition) , except slotted drain inlet may be used only if approved by the Village as a variance.
- 5. Storm Drains: Storm drains shall be designed in accordance with the City of Austin, Texas Drainage Criteria Manual (latest edition). All storm drainpipes within public right-of-way or to be dedicated to the public shall be reinforced concrete pipe.
- 6. Open Channels: Open channels shall be designed in accordance with the City of Austin, Texas Drainage Criteria Manual (latest edition), subject to the following additional requirements:
 - a. Non-structural channel bank and channel bottom stabilization methods shall be used unless the Village as a variance approves structural stabilization methods.
 - b. Natural drainage channels shall be preserved whenever possible. Open surface drainage through grass-lined swales shall be preferred over the use of enclosed sewers, streets and street rights-of-way as the central drainage

network. Drainage into or across sinkholes, faults and other areas of rapid groundwater recharge shall be avoided whenever practicable.

- c. Channel cross-sections shall be trapezoidal in configuration.
 - d. Side slopes of channels shall be no steeper than four (4) horizontal to one (1) vertical except for curves and transitions where slope stabilization acceptable to the Village may be allowed.
 - e. All constructed and altered drainage channels shall be stabilized and vegetated immediately after final grading and have synthetic erosion control matting for channels installed.
 - f. Freeboard shall be three inches (3") above the 100-year flood water surface level.
7. Culverts, Bridges: Culverts and bridges shall be designed in accordance with the City of Austin, Texas Drainage Criteria Manual (latest edition). TxDOT standard culvert and bridge details may be used.
8. Detention: Stormwater management ponds shall be designed in accordance with the City of Austin, Texas Drainage Criteria Manual (latest edition) and in accordance with state dam safety criteria in the Texas Administrative Code, Title 30, Chapter 299 for "dams", subject to the following additional requirements:
- a. All stormwater management ponds shall be on-site ponds and shall be combined with non-point source pollution control facilities to minimize site disturbance.
 - b. The water quality volume within non-point source pollution control ponds may be counted toward storm water detention volume requirements at the discretion of applicant's engineer.

Sec.33.345 WATER AND WASTEWATER UTILITY SERVICE.

A. General Provisions.

- 1. Applicability: This section applies to the jurisdiction of the Village unless stated otherwise in this article.
- 2. Service Area of Water and Wastewater Utility: The service area of the Village water and wastewater utility is coterminous with the incorporated boundary lines of the Village. The Village may not provide water or wastewater service outside the service area of the water and wastewater utility unless the council by ordinance waives the prohibition.

3. Regulation of a Wastewater Treatment Plant by the Village Health Authority: In accordance with Sections 26.173 and 26.177 of the Texas Water Code, the Village health authority:
 - a. May inventory, monitor, and periodically inspect and test the discharge from a wastewater treatment plant; and
 - b. Shall impose on the owner of a plant an annual fee for inspecting and sampling the discharge.

B. Water Districts:

1. General Provisions:

- a. Applicability: This section applies to:
 - (i) The creation of a water district in the jurisdictional boundaries of the Village;
 - (ii) The request by an existing water district to annex or include Village territory in a water district;
 - (iii) An amendment to a water district consent document or an agreement with a water district; and
 - (iv) A water district bond issuance.
- b. Definitions: In this section:
 - (i) ***Land Use Plan:*** means a map showing proposed and existing land uses in a water district.
 - (ii) ***Municipal Utility District:*** means a water district created and operating under the authority of Section 59, Article XVI, Texas Constitution, and Chapters 49, 50 and 54, Texas Water Code.
 - (iii) ***Petition:*** means the written request to the Village for consent to the creation of or annexation to a water district required by the Texas Water Code and any document required by Village ordinances.
 - (iv) ***Water District:*** means a district or authority, including a municipal utility district and a water control and improvement district, that is created under Section 52, Article III, Texas Constitution, or Section 59, Article XVI, Texas Constitution, and Title 4, Texas Water Code.

- c. Minimum Land Requirements; Economic Viability:
 - (i) A water district shall not contain less than 100 acres of territory.
 - (ii) A water district shall contain an amount of territory sufficient to assure the economic viability of the water district.
 - (iii) An applicant seeking consent to the creation of a water district or to include Village territory in an existing water district shall submit information to the Village to demonstrate the economic viability of the proposed or extension of the existing water district.

2. Creation of Water District Inside Village:

- a. A water district may be created inside the municipal limits of the Village only if:
 - (i) The written consent of the council is obtained by the assenting vote of at least seventy-five percent (75%) of the council membership;
 - (ii) Creation of the water district complies with this article.
- b. Territory located inside the jurisdictional boundary of the Village may be included in a proposed water district only if:
 - (i) All areas of the territory is one thousand feet (1,000') or less from a major arterial thoroughfare as defined in the comprehensive plan; and
 - (ii) the area of the territory does not exceed (5%) of the total amount of territory in the proposed water district.

3. Procedure for Creation:

- a. Review of a Petition: The Village shall review a petition filed with the Village for the council's consent to:
 - (i) The creation of a water district; or
 - (ii) The annexation of Village territory into a water district.
The review by the Village of the petition shall comply with this section.
- b. Pre-application Review:

- (i) A person who intends to file a petition for the creation of a water district shall discuss the proposed water district in a pre-application review with the Village before the petition is filed.
 - (ii) To request a pre-application review, a person shall notify the Village of the person's intent to file a petition in writing at least thirty (30) days before the date the person files the petition with the Village.
- c. Petition Filed; Notice of Petition:
 - (i) A petition for the creation of a water district shall be filed with the Village.
 - (ii) The Village shall give notice under of a petition filed under this section.
 - (iii) On the filing of a request for the consent of the Village to the creation of a municipal utility district, the Village shall designate the proposed district as a Village service district or a non-Village service district.
- d. Review of Petition by Village: Village shall:
 - (i) Review the petition;
 - (ii) Prepare a report on the petition;
 - (iii) Include appropriate recommendations in the report.
 - (iv) The Village shall send a copy of each report to council, the Village secretary, and the Village attorney;
 - (v) The copy of the compilation sent to the Village secretary is available for public inspection.
- e. Public Hearing before Council: The council shall set and hold a public hearing on the petition before the expiration of the period established by state law. A public hearing shall be held during a regularly scheduled council meeting.
- f. Initial Action by Council: After the conclusion of the public hearing and before the expiration of the period state law establishes for review of the petition, the council by resolution may:
 - (i) Deny consent to the creation of the water district; or

- (ii) Grant initial consent to creation of the water district, specifying each condition necessary for final consent. If the council grants initial consent to the creation of a water district, the council shall instruct the Village attorney to prepare the documents required for final consent by the council, including a consent ordinance and required agreements. The Village attorney shall draft the required documents, and before the time the council is scheduled to grant final consent, send a copy of the documents to the council, Village secretary, and person who filed the petition.
 - g. Council Action on Annexation Petition: The council shall act on a petition for consent to the annexation of Village territory by a water district before the ninety first (91st) day after the date the petition is filed, except as may be otherwise required by state law.
 - h. Site Development Approval: The council will not approve site development in a water district that does not comply with a resolution or ordinance adopted in connection with the consent by the Village to the creation of the water district or an agreement entered into in connection with the consent of the Village to the creation of the water district.
 - i. Construction of Article:
 - (i) To the extent of conflict between this section and another regulation of this article, the other article regulation prevails.
 - (ii) This section does not exempt any development located in the territory of a water district or undertaken on behalf of a water district from any applicable provision of this article or from the Village's code of ordinances.
4. Conditions and Restrictions on Consent to Creation of Water District:
- a. General Provisions:
 - (i) The council may impose a condition or restriction on a water district in connection with the consent of the Village to the creation of a water district in accordance with this section and applicable state law.
 - (ii) A condition or restriction imposed in connection with the consent of the Village to the creation of a water district shall be included in a resolution, agreement, or ordinance that pertains to the water district.
 - b. Conditions and Restrictions Generally:

- (i) This section applies to each water district.
 - (ii) The plans and specifications for a facility to be financed or constructed by or on behalf of a water district shall be approved by the Village before construction begins. Fees may be charged for the review and approval of the plans and specifications. The facility shall be constructed in accordance with the approved plans and specifications.
 - (iii) The Village may inspect the construction of a facility financed or constructed by or on behalf of a water district as determined necessary by the Village to ensure compliance with the approved plans and specifications and any applicable requirement. The Village may charge a fee for an inspection.
 - (iv) A water district shall prepare and file with the Village a certified copy of each annual audit of the water district, and an annual report describing the status of construction by or on behalf of the water district.
 - (v) A water district shall not provide any service outside the boundary of the water district without the approval of the council.
 - (vi) A water district shall not annex territory to or exclude territory from the water district without the approval of the council.
 - (vii) All territory and each easement for a water district facility shall be dedicated to the public, the water district, and each successor of the water district.
- c. Conditions and Restrictions Applicable to a Village Service Water District.
- (i) This section applies to a Village service water district.
 - (ii) If a water district receives or will receive water or wastewater service from the Village, the water district shall adopt and enforce as a water district rule all Village rules with respect to water conservation, water regulations, wastewater regulations, plumbing regulations, and non-point source pollution control regulations.
 - (iii) A Village service district shall not support or encourage any attempt to incorporate a municipality in the district, or any attempt by a municipality other than the Village to annex territory in the district.

- (iv) A Village service water district shall concurrently submit to the Village a certified copy of each document the water district submits to the Texas Commission on Environmental Quality or any successor agency of the state.
- d. Bond-Related Provisions: The following provisions shall be included in a water district consent agreement.
- (i) A water district shall pledge the revenue and ad valorem taxes of the water district to the payment of the principal of and interest on all bonds issued by the district.
 - (ii) A bond shall be issued by a water district only for a purpose authorized by state law.
 - (iii) A bond issued by a water district for one purpose shall not be used for another purpose.
 - (iv) The Village, to insure the economic vitality of a water district and to the extent authorized by the laws of this state, may limit the amount of bonds the water district may issue.
 - (v) To insure compliance by a water district with each applicable condition or restriction imposed in connection with the consent of the Village to the creation of the water district, the council is entitled to approve the issuance or sale of a water district bond before the water district issues a bid invitation for the bond. If the water district is not in compliance with each applicable condition, the council may not approve the issuance or sale of the bond; and the water district shall not issue or sell the bond.
 - (vi) Each bond issued by a water district must include a call provision that permits the water district to redeem the bond at par.
 - (vii) A water district shall not spend the proceeds of a bond or incur any indebtedness for the purpose of providing service to territory outside the boundary of the water district without the prior approval of the council.
 - (viii) The net effective interest rate of a bond issued by a water district shall not exceed one hundred two percent (102%) of the highest average interest rate reported by the Daily Bond Buyer in its weekly "20 Bond Index" during the one (1) month period preceding the date that notice of sale is given. In consenting to the creation of a water district, the Village may impose an additional condition or restriction on the terms, provisions, or sale of a bond

or note of the water district. A condition or restriction imposed under this subsection may not cause the bond or note to be unmarketable. The Village shall require that a position on the water district board be held by a Village council member or his/her designated representative.

e. Utility Rates in a Municipal Utility District:

- (i) The consent of the Village to the creation of a municipal utility district shall be conditioned on a contract between the Village and the municipal utility district. The contract shall include adequate detail as required by the laws of this state; and provide that at the time the Village annexes the territory of the municipal utility district, water and wastewater rates established for property in the municipal utility district shall be sufficient to fully compensate the Village for assuming the indebtedness of the municipal utility district after the municipal utility district is dissolved.
- (ii) A water or wastewater rate established under a contract required by subsection (i) above shall be based on the water or wastewater rate established for other customers in the boundary of the Village and shall include a component based on the monthly debt retirement payment assumed by the Village. A water or wastewater rate may be recalculated as provided in the contract.
- (iii) A water or wastewater rate established under a contract required by subsection (i) above shall remain in effect until the bonded indebtedness of the water district is fully retired, and the Village is fully compensated, regardless of whether a bond of the water district is called.
- (iv) The written consent of the Village to the creation of a municipal utility district shall specify the date by which at least ninety percent (90%) of the water, wastewater, drainage, and road improvements for which bonds of the municipal utility district are issued shall be installed or completed.

f. Annexation by Village of Water District Territory:

- (i) The consent of the Village to the creation of a water district may include a provision relating to the timing and conditions of annexation by the Village, for full or limited purposes, of the territory in the water district.
- (ii) The consent of the Village to the creation of a municipal utility district may provide that the Village and the municipal utility

district shall enter into an allocation agreement relating to annexation by the Village of the territory in the municipal utility district. An allocation agreement entered into under this subsection must be in compliance with the applicable law of this state, and may include a term or condition that is determined by the Village to be necessary.

- (iii) On annexation of the territory in a water district, the Village may:
 - (a) permit the water district to continue to exist in accordance with the laws of the state;
 - (b) dissolve the water district in accordance with the laws of the state; or
 - (c) permit the water district to continue to exist in accordance with an allocation agreement entered into in compliance with the laws of the state.

5. Out-of-District Service:

a. Applications Not Covered By This Subsection (7):

- (i) This subsection does not apply to an application requesting that a water district provide water or wastewater utility service to a site outside of the boundaries of the water district if the site proposed to be served by the water district:
 - (a) is located in the service area of the Village's water and wastewater utility;
 - (b) is separated geographically from Village water or wastewater facilities by the water district; and
 - (c) can be served by a facility financed by contract bonds, and located in or immediately adjacent to the water district.
- (ii) A person requesting service described in subsection (i) above shall apply under subsection Sec. 3.343 (B)

- b. Application for Out-Of-District Service: An application requesting that a water district provide water or wastewater utility service to a site outside of the boundary of the water district shall be filed with the Village by the person receiving the service. An application filed under this division includes each document required by Village rules.

- c. Notice of Application: On receipt of an application filed under this section, the Village shall notify the council, Village secretary and presiding officer of the commission.
 - d. Village Review; Council Actions:
 - (i) The Village will review the application filed under this subsection and will send its recommendation on the application to the council not later than the sixtieth (60th) day after the date the application is filed with the Village.
 - (ii) The council shall act on an application filed under this section not later than the date of the second (2nd) regular meeting of the council that is to be held after the date that the council receives the final recommendations required by subsection (i) above.
 - e. Emergency Out-Of-District Service:
 - (i) To prevent or alleviate a danger to the public health and safety, the council may approve a request that a water district provide water or wastewater utility service to a site outside of the boundary of the water district.
 - (ii) The council shall review a request made under subsection (i) above during the first regular meeting of the council that is held after the Village receives the request.
6. Amendment to a Consent Document or an Agreement With a Water District:
- a. Application for Amendment of Agreement: An application to amend a consent document or an agreement between a water district and the Village shall be filed by a party to the document or agreement or a successor in interest to that party. An application filed under this subsection includes each document required by Village rules.
 - b. Notice of Application: On receipt of an application filed under this subsection, the Village will notify the council, Village secretary, and presiding officer of the commission.
 - c. Village Review; Council Action:
 - (i) The Village will review an application filed under this subsection and shall send its recommendation on the application to the council not later than the sixtieth (60th) day after the date the application is filed with the Village.

- (ii) The council shall act on an application filed under this subsection not later than the date of the second (2nd) regular meeting of the council that is to be held after the date that the council receives the final recommendations required by subsection (i) above.

7. Water District Bond Issuance:

- a. Applicability: This subsection applies to a water district created with the consent of the Village after the effective date of this article.
- b. Village Approval Required: A water district shall not issue a bond unless the council approves the issuance of the bond.
- c. Application for Approval of a District Bond: A water district that proposes to issue bonds shall file an application for approval of the issuance with the Village. An application filed under this subsection shall include all documents required by the Village.
- d. Notice of Application: On receipt of an application for approval of a district bond, the Village shall notify the council, the Village secretary, and the presiding officer of the commission of the application and shall provide the same with one (1) copy of the application.
- e. Village Review: The Village shall complete its review of the application not later than the forty-fifth (45th) day after the date the complete application is filed.
- f. Village Review; Release of Official Statement:
 - (i) The Village shall review the preliminary and final official statements of the water district that include the Village's financial statements and audited opinion.
 - (ii) Until the Village completes the required review, an official statement described in subsection (i) above may not be disclosed to a person, other than:
 - (a) an officer of the Village authorized by the council; or
 - (b) a consultant who is assisting the water district to structure the issuance of a water district bond.
- g. Action on Application by Council: The council shall act on an application filed under this section not later than the date of the second (2nd) regular meeting of the council held after the date the council receives the recommendations of the Village.

- h. Non-Village Public Utilities: Reserved

C. Private Sewage Facilities:

1. Regulation of On-Site Sewage Facilities:

- a. Applicability: This subsection (j) applies to a structure that discharges sewage into an on-site sewage facility within the jurisdictional boundaries of the Village.
- b. Definitions: Words and phrases in this subsection (j) have the same meaning they have in Chapter 366 of the Texas Health and Safety Code and in Chapter 285 of Title 30 of the Texas Administrative Code.
- c. Adoption of State Law, Rules, and Design Criteria: This subsection (j) adopts and incorporates by reference:
 - (i) Chapter 366 of the Texas Health and Safety Code;
 - (ii) Chapter 285 of Title 30 of the Texas Administrative Code;
 - (iii) the Design Criteria for On-Site Sewage Facilities promulgated by the Texas Commission on Environmental Quality; and
 - (iv) the Lower Colorado River Authority's on-site sewage system regulations.
- d. Authority: A Village official or employee with a duty under Chapter 366 of the Texas Health and Safety Code or Chapter 285 of Title 30 of the Texas Administrative Code is authorized to perform that duty.
- e. Relinquishment of Regulatory Authority: The Village shall comply with Section 285.10(d) of Title 30 of the Texas Administrative Code before it ceases to regulate on-site sewage facilities within its jurisdiction.
- f. Payment of Fees: A person shall pay a fee assessed under this subsection (j) to the Village.
- g. Appeal: A person aggrieved by an action or decision of the Village may appeal the action or decision to the council.
- h. Penalties: This section adopts and incorporates applicable state law penalty provisions related to on-site sewage facilities, including those prescribed by:

- (i) Chapter 341 and Chapter 366 of the Texas Health and Safety Code;
- (ii) Chapter 26 of the Texas Water Code; and
- (iii) Chapter 285 of Title 30 of the Texas Administrative Code.

2. Liquid Waste Haulers:

a. Definitions: In this subsection (j):

- (i) GENERATOR has the meaning prescribed by subsection (l) below.
- (ii) GREASE TRAP has the meaning prescribed by subsection (l) below.
- (iii) GRIT TRAP has the meaning prescribed by subsection (l) below.
- (iv) HAULED LIQUID WASTE means a liquid waste, not defined as a hazardous waste by the United States Environmental Protection Agency, which is prohibited from discharge into:
 - (a) a sanitary sewer under subsection (l) below; or
 - (b) a storm sewer or watercourse under the Village's non-point source pollution control ordinance.
- (v) OPERATOR means a person who operates a state-approved waste treatment system, waste reduction system, waste recovery system, or waste disposal site for septic tank waste and hauled liquid waste.
- (vi) LIQUID WASTE HAULER means a person who removes, transports, and discharges all or part of the contents of a septic tank, chemical toilet, grease trap, grit trap, holding tank, wastewater treatment plant, or other holding or treatment system for hauled liquid waste to a waste treatment system, waste reduction system, waste recovery system, or waste disposal site.
- (vii) VEHICLE means a motor vehicle, trailer, equipment, or device specially designed and constructed to transport hauled liquid waste on a public street.

- b. Use of Permitted Liquid Waste Hauler Required: A person who produces hauled liquid waste commits an offense if the person fails to have the waste removed or transported by a liquid waste hauler holding a permit

under this subsection (j) for both the hauler's vehicle and the type of waste produced.

c. Use of Approved Site For Disposal Required:

- (i) A liquid waste hauler may not discharge hauled liquid waste at a facility not authorized by the Village or the state to store, process, treat, or dispose of the waste.
- (ii) A liquid waste hauler must dispose of, or allow the disposal of hauled liquid waste only at a site approved by the Village or the state.
- (iii) The Village may require that a liquid waste hauler provide a signed, written statement from an operator:
 - (a) identifying the rule, permit, or other document issued by the regulating state agency that permits an operator's facility to receive a specific hauled liquid waste; and
 - (b) the operator's agreement to receive the liquid waste hauler's hauled liquid waste.

d. Mixing of Incompatible Wastes Prohibited:

- (i) A liquid waste hauler must designate, permit, and use a separate vehicle exclusively for the collection and transport of waste that contains petroleum or other chemical residues that may not be accepted by an operator, including waste from a grit trap or holding tank for waste other than sewage.
- (ii) A liquid waste hauler may not knowingly accept and transport a hazardous waste as defined by the United States Environmental Protection Agency in a vehicle used to collect and transport hauled liquid waste under this subsection (j).

e. Vehicle Requirements and Inspection:

- (i) A liquid waste hauler must obtain a Village permit for each vehicle used to haul liquid waste.
- (ii) A vehicle or other equipment used to transport hauled liquid waste must be:
 - (a) constructed, operated, and maintained to prevent:

- (1) the loss of hauled liquid waste; or
 - (2) the creation of an unsanitary or unsafe condition;
 - (b) licensed and inspected annually under Title 7 of the Texas Transportation Code;
 - (c) identified with the registration number required by state regulation;
 - (d) marked on both sides of the vehicle in letters and numbers not less than three inches (3") high with:
 - (1) the vehicle's Village permit number;
 - (2) the name of the permit holder; and
 - (3) if applicable, the waste type code designated by the Village;
 - (e) equipped with a valve drip cap to minimize leakage;
 - (f) equipped with a sight glass or tube and other measuring device that permits visual inspection of the hauled liquid waste contained in the vehicle; and
 - (g) equipped with a devise to measure each load of hauled liquid waste received from a generator.
- (iii) A vehicle that consists of a tractor and a trailer shall have the marking required by subsection d above displayed on the trailer.
- (iv) The health authority may inspect a vehicle at any time during regular business hours.
- f. Discharge or Spill: If a discharge or spill occurs during collection or transport of hauled liquid waste, a liquid waste hauler must take appropriate action to protect public health and the environment. No later than twenty-four (24) hours after a discharge or spill, the liquid waste hauler shall notify local law enforcement authorities of the discharge or spill and take any action required or approved by a federal, state or local official with jurisdiction.
- g. Offense and Penalty:

- (i) A person who violates a provision of this subsection (j) commits an offense. Each day that a violation occurs is a separate offense.
- (ii) An offense under this subsection (j) is a Class C misdemeanor.

h. Manifest Required:

- (i) A liquid waste hauler shall possess a manifest book approved by the Village containing form manifests with not less than four (4) copies of each document.
- (ii) A liquid waste hauler shall complete a manifest for each load of hauled liquid waste.
- (iii) A manifest under this subsection (j) shall include a printed space to record:
 - (a) The name of the liquid waste hauler;
 - (b) The liquid waste hauler's Village permit number;
 - (c) The liquid waste hauler's vehicle license plate number;
 - (d) The date waste was received from a generator;
 - (e) The name, address, and telephone number of the generator;
 - (f) the type and quantity of hauled liquid waste to be transported;
 - (g) The generator's signed acknowledgment that the type and quantity of hauled liquid waste is correctly documented based on the generator's knowledge;
 - (h) The operator's name and address;
 - (i) The date the operator received the hauled liquid waste from the liquid waste hauler; and
 - (j) The operator's signed acknowledgment accepting the hauled liquid waste.

i. Delivery and Maintenance of Manifests:

- (i) The liquid waste hauler shall give a copy of a manifest to the generator and the operator after the person has signed the ticket.

- (ii) The liquid waste hauler shall keep a copy of each manifest.
 - (iii) A generator, liquid waste hauler, and operator shall retain a copy of each manifest in a file available for inspection by the Village during regular business hours, for not less than three (3) years from the date the ticket was completed.
 - (iv) A liquid waste hauler shall maintain the completed original of each manifest in the manifest book.
- j. False Information and Transfer Prohibited:
 - (i) A person commits an offense if the person falsifies the date a liquid waste hauler or operator accepts hauled liquid waste.
 - (ii) A generator commits an offense if the generator knowingly falsifies information about the type and quantity of hauled liquid waste to be transported.
 - (iii) A liquid waste hauler commits an offense if the liquid waste hauler transfers, causes, or allows the transfer of a manifest or manifest book to a person other than the health authority or an employee of the liquid waste hauler.
- k. Regulations Authorized: The Village may adopt regulations relating to the manifest requirements of this subsection (j).
- l. Permit Required: A person shall obtain a liquid waste hauler's permit under this subsection (j) before the person operates a vehicle to transport hauled liquid waste, or causes, allows, or permits a vehicle owned by the person to transport hauled liquid waste within the jurisdiction boundaries of the Village.
- m. Permit Application:
 - (i) An applicant for a liquid waste hauler's permit shall file an application with the Village on the form provided by the Village and pay an application fee.
 - (ii) The Village shall provide an applicant with a copy of this subsection (j).
 - (iii) An application under this subsection (j) shall include evidence acceptable to the Village that:

- (a) Each vehicle is covered by insurance as prescribed by the Village;
 - (b) The applicant or if the applicant is a business entity, a partner or corporate officer in the business entity, has not been convicted of a violation directly related to this subsection (j) and
 - (c) each vehicle to be used to transport hauled liquid waste complies with the requirements prescribed in subsection (E) above.
 - (iv) A permittee shall file with the Village a list of the name and Texas driver's license number of each vehicle operator. A permittee shall send the Village an updated list of authorized drivers in writing no later than the thirtieth (30th) day after a change in personnel occurs.
 - (v) A permit issued under this subsection (j) is nontransferable.
- n. Determination on Application:
- (i) The Village may not grant a permit under this subsection (j) unless the applicant has complied with the requirements of subsection (M) above. In making a determination relating to an offense under section subsection (M) above, the health authority may consider the factors prescribed in Section 53.022 (Factors in Determining Whether Conviction Relates to Occupation) of the Texas Occupations Code.
 - (ii) The Village shall make a determination on an application for a permit under this subsection (j) on or before the thirtieth (30th) day after the date the application was filed.
 - (iii) If the Village rejects an application, the Village shall send the applicant a written explanation of the basis of the rejection by certified or registered mail to the mailing address provided on the application.
- o. Permit Fees, Exceptions:
- (i) Except as provided in subsection (ii) below, a person shall pay the vehicle permit fee established by separate ordinance.
 - (ii) This subsection (O) does not apply to a vehicle operated by the Village, a governmental entity, or a public school system.

- (iii) The Village may assess an additional fee for re-inspection of a vehicle.
 - (iv) The council shall set the fees authorized under this subsection (j) by separate ordinance.
- p. Insurance Required:
 - (i) The owner or operator of a permitted vehicle shall file with the Village authority a commercial automobile insurance policy insuring the public against bodily injury and property damage issued by an insurance company licensed to do business in Texas for each permitted vehicle with a minimum:
 - (a) Combined single limit of \$500,000; or
 - (b) Split limit of \$250,000 for each person, \$500,000 for each occurrence, and \$100,000 property damage.
 - (ii) An insurance policy under this subsection (P) must include a notice of cancellation clause stating that the policy may not be cancelled or amended before the thirtieth (30th) day after the Village received written notice of cancellation, amendment, or non-renewal.
 - (iii) The Village may not issue a permit for a vehicle until the owner or operator has provided proof of insurance under this subsection (P).
- q. Term and Renewal: A permit issued under this subsection (j) shall expire one (1) year from date of issuance and must be renewed annually.
- r. Permit Revocation:
 - (i) If a permittee fails to comply with this subsection (j) or applicable state law, the Village may revoke a permit issued under this subsection (j) for a period of one (1) year.
 - (ii) The Village shall provide a liquid waste hauler written notice of a hearing on revocation of the hauler's permit on or before the tenth (10th) day before the hearing. A notice under this subsection (R) shall include the basis of the proposed action. The Village may promulgate procedural rules for a hearing under this subsection (R).
 - (iii) Following a hearing, the Village shall provide the liquid waste hauler with its decision in writing, including the reasons for a revocation.

(iv) A permittee whose permit has been revoked may not reapply for a permit for one (1) year after the date of the revocation.

s. Appeal: An applicant or permittee whose application is denied or permit is revoked by the Village under the provisions of this subsection (R) may appeal the Village's decision to the council.

D. Solid Waste: [reserved]

E. Utility Service Regulations: [reserved]

F. Wastewater Regulations:

1. General Provisions:

a. Policy and Purpose: The Village shall comply with applicable state and federal regulation relating to the disposal of wastewater containing industrial waste or other prohibited waste within its jurisdictional boundaries.

b. Rulemaking: The Village may promulgate regulations and procedures to implement and interpret this subsection (m) in accordance with applicable state and federal law, including 40 CFR Part 403. Rules and procedures adopted under this subsection (m) may regulate.

(i) The quantity, quality, and means of disposal of wastewater containing industrial waste or other prohibited waste;

(ii) Geographic, topographic, and construction factors;

(iii) Available treatment methods;

(iv) Beneficial uses of water; and

(v) Other factors the director believes are necessary to protect the POTW and sanitary sewer.

c. Interlocal Agreement.: The Village may negotiate agreements for interlocal or multi-jurisdictional implementation and enforcement of this subsection (m). The council must approve any interlocal agreement entered into on behalf of the Village.

2. Definitions:

a. Except as provided in subsection (B) below, words and phrases in this subsection (m) have the same meaning they have in Title 40 CFR.

b. In this subsection (m):

- (i) **ACT:** means the Federal Water Pollution Control Act, also known as the Clean Water Act, Title 33 of the United States Code, Section 1251 et seq.
- (ii) **Approval Authority:** means the Regional Administrator of the EPA or the director in a national pollutant discharge elimination system delegated state with an approved state pretreatment program.
- (iii) **Approved Methods:** means the methods for pollutant sampling and analysis set by Part 136 of Title 40 CFR or procedures approved by the EPA.
- (iv) **Authorized Representative:** means the person who may act on behalf of a person discharging wastewater to the POTW. If the user is a corporation, the authorized representative must be:
 - (a) the officer of the corporation in charge of a principal business function, or another person who performs similar policy or decision-making functions; or
 - (b) the properly authorized manager of one (1) or more manufacturing, production, or operation facilities with more than 250 employees or gross annual sales or expenditures exceeding \$25 million (in second quarter 1980 dollars).
- (v) **Best Management Practice:** means a schedule of activities, prohibition of practices, maintenance procedures, and other management practices to prevent or reduce the amount of pollution discharged to the POTW, including:
 - (a) A treatment requirement;
 - (b) An operating procedure; and
 - (c) A practice to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.
- (vi) **Biochemical Oxygen Demand:** means the quantity of oxygen consumed in the biochemical oxidation of organic matter as determined by standard laboratory procedures for five (5) days at

twenty degrees (20°C) Centigrade and expressed as a concentration in milligrams per liter.

- (vii) ***Bypass:*** means the intentional diversion of a waste stream that contains prohibited waste from a wastewater treatment system to the POTW.
- (viii) ***Categorical Pretreatment Standard:*** means a regulation containing pollutant discharge limits adopted by EPA under Act Sections 1317(b) and (c) in Title 40 CFR, Parts 405-471.
- (ix) ***CFR:*** means the Code of Federal Regulations.
- (x) ***Chemical Oxygen Demand:*** means the oxygen equivalent of the organic matter content of a sample susceptible to oxidation by a strong chemical oxidant as determined by standard laboratory procedures and expressed as a concentration in milligrams per liter.
- (xi) ***Color:*** means the optical density at the visual wavelength of maximum absorption, relative to distilled water in which one hundred percent (100%) transmittance is equivalent to 0.0 optical density.
- (xii) ***Comminuted Garbage:*** means garbage that has been shredded into particles less than one-half inch (1/2") in diameter that are carried freely under normal flow conditions in a sanitary sewer.
- (xiii) ***Composite Sample:*** means a sample that results from a combination of individual wastewater samples taken at selected intervals based on an increment of either flow or time.
- (xiv) ***Cooling Water:*** means the water discharged from a system of condensation, including air conditioning, cooling, and refrigeration systems.
- (xv) ***Daily Average Limit:*** means a discharge limit based on the average of sample analysis results taken from an industrial waste source during an operating day.
- (xvi) ***Daily Maximum Limit:*** means the maximum discharge limit for any sample obtained during a day using approved methods for both sampling and analysis.
- (xvii) ***Discharge or Indirect Discharge:*** means the introduction of a pollutant to the POTW from a non-domestic source regulated under Act Sections 1317 (b), (c), or (d).

- (xviii) ***Drainage Water:*** means storm water; surface water; ground water; roof run-off water; drainage from downspouts; water from yard drains; water from fountains and ponds; water from lawn sprays, rainwater leaders, and areaways; overflows from cisterns and water tanks; swimming pool water; and swimming pool filter backwash water.
- (xix) ***Excess Wastewater:*** means more than 250 gallons per inch diameter of pipe per mile of pipe per day of:
 - (a) Potable or non-potable water from a dripping or leaking pipe, valve, or plumbing fixture; or
 - (b) Seep water, rainwater, or storm water entering sewer lateral lines on private property through a crack, pipe joint, opening or other defect in the lateral line.
- (xx) ***EPA:*** means the United States Environmental Protection Agency.
- (xxi) ***Existing Source:*** means a source of discharge constructed or in operation prior to EPA publication of a proposed categorical pretreatment standard applicable to the source if the standard is later promulgated under Act Section 1317.
- (xxii) ***Extra Strength Wastewater:*** means wastewater having a suspended solids, chemical oxygen demand, or biochemical oxygen demand more than that found in normal waste but otherwise acceptable for discharge to the POTW in accordance with the requirements of this section.
- (xxiii) ***Garbage:*** means solid waste from domestic or commercial preparation, cooking, dispensing, or manufacturing of food or from the handling, storage and sale of produce.
- (xxiv) ***Generator:*** means a person who causes, creates, generates, stores, or otherwise produces liquid waste, excluding a person storing liquid waste in a mobile tank or fixed storage tank for temporary storage.
- (xxv) ***Grab Sample:*** means a single sample taken from a waste stream without regard to the flow in the waste stream over a period not to exceed fifteen (15) minutes.
- (xxvi) ***Grease Trap:*** means a receptacle, structure, or mechanical device used by a generator to intercept, collect, separate, and restrict the passage of fat, oil, grease, organic, inorganic, liquid, semi-liquid,

semi-solid, or solid waste from wastewater prior to discharge to the POTW.

(xxvii) ***Grease Trap Waste:*** means fat, oil, grease organic, inorganic, liquid, semi-liquid, semi-solid, or solid waste collected by and removed from a grease trap.

(xxviii) ***Grit Trap:*** means a receptacle, structure, or mechanical device used by a generator to intercept, collect, separate, and restrict the passage of petroleum-based oil and grease waste, and inorganic or other solids or semi-solids from wastewater prior to discharge to the POTW.

(xxix) ***Grit Trap Waste:*** means petroleum-based oil and grease waste, and inorganic or other solids and semi-solids collected by and removed from a grit trap.

(xxx) ***Ground Water:*** means subsurface and subsoil water; artesian well water; water from groundwater remediation sites; and subsurface leachates captured from municipal landfills.

(xxxi) ***Hold-Haul Tank:*** means a storage tank installed to hold industrial waste that must be hauled to a disposal site and not discharged to the POTW.

(xxxii) ***Industrial Waste:*** means liquid waste and a waterborne liquid, gaseous, or solid substance, excluding sewage discharged from sanitary conveniences that is not commingled with wastewater containing industrial waste, discharged or disposed of from an industrial, manufacturing, trade or commercial establishment, including a nonprofit organization, governmental agency or business activity.

(xxxiii) ***Instantaneous Maximum Allowable Limit:*** means the maximum concentration or loading of an allowable pollutant, determined from the analysis of a discrete or composite sample collected independent of the industrial flow rate and the duration of a sampling event.

(xxxiv) ***Interference:*** means a discharge that, alone or in conjunction with a discharge from another source, both:

- (a) Inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use, or disposal; and

- (b) Causes a violation of the NPDES or TPDES permits, including an increase in the magnitude or duration of a violation, or prevents sewage sludge use or disposal in compliance with the most stringent applicable federal, state, or local regulation.
- (xxxv) **Medical Waste:** means isolation waste, an infectious agent, human blood and blood by-products, pathological waste, sharps, a body part, contaminated bedding, surgical waste, potentially contaminated laboratory waste or dialysis waste.
- (xxxvi) **Monthly Average Limit:** means a discharge limit based on the average of sample analysis results taken during a calendar month using approved methods for both sampling and analysis.
- (xxxvii) **Municipal User:** means a political subdivision or municipal corporation that discharges wastewater to the POTW, excluding the Village.
- (xxxviii) **Multiple User Facility:** means a building or group of buildings occupied by more than one (1) person who discharges into the POTW.
- (xxxix) **NPDES:** means the National Pollutant Discharge Elimination System for issuing, modifying, revoking, reissuing, terminating, monitoring, enforcing permits, imposing and enforcing pretreatment requirements under Act Sections 1317, 1342, and 1345 including an approved program under 40 CFR 122.
- (xl) **New Source:** means a building, structure, facility or installation that is or may be discharging pollutants, constructed after the publication of a proposed pretreatment standard under Act Section 1317 (c) applicable to the source if the standard is later promulgated, provided that:
 - (a) The building, structure, facility or installation is constructed at a site at which no other source is located;
 - (b) The building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
 - (c) The production or wastewater generating processes of the building, structure, facility, or installation are substantially independent of an existing source at the site, based on the extent the new facility is integrated with the existing plant,

and is engaged in the same general type of activity as the existing source.

- (xli) ***Non-Contact Cooling Water:*** means water used for cooling that does not come into contact with a raw material, intermediate product, waste product, or finished product.
- (xlii) ***Normal Wastewater:*** means wastewater that, after analysis, contains:
 - (a) A concentration of biochemical oxygen demand in the waste not exceeding 200 milligrams per liter average over a 24 hour period or not contributing biochemical oxygen demand at a rate exceeding 1,668 pounds of biochemical oxygen demand per million gallons of wastewater daily;
 - (b) A concentration of suspended solids in the waste not exceeding 200 milligrams per liter average over a 24 hour period or not contributing suspended solids at a rate exceeding 1,668 pounds of suspended solids per million gallons of wastewater daily; or
 - (c) A concentration of chemical oxygen demand in the waste not exceeding 450 milligrams per liter average over a 24 hour period or not contributing chemical oxygen demand at a rate exceeding 3,735 pounds of chemical oxygen demand per million gallons of wastewater daily.
- (xliii) ***Other Waste:*** means a solid or viscous substance including ash, cinder, sand, concrete, mud, straw, shavings, metal, glass, rags, feathers, tar, asphalt, plastic, rubber, rubber products, wood, whole non-human blood, paunch manure, hair and flesh, entrails, lime slurry, lime residue, carbide waste, slops, chemical residue, paint residue, asbestos, bulk solids, grass clippings, or tree trimmings.
- (xliv) ***Owner or Occupant:*** means a person who owns real property or pays or is legally responsible for payment of water or wastewater charges made against real property connected to the public water distribution system or the wastewater collection system
- (xlv) ***Pass Through:*** means a discharge that exits the POTW into waters of the United States in quantities or concentrations that, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of the NPDES or TPDES permits, including an increase in the magnitude or duration of a violation.

- (xlvi) **Permit:** means a wastewater discharge permit issued by the director authorizing the discharge of wastewater to the POTW under this chapter.
- (xlvii) **pH:** means a measure of the acidity or alkalinity of a solution expressed in standard units.
- (xlviii) **Pollutant:** means a substance that alters the physical, thermal, chemical, radiological or biological quality or properties of water or that contaminates water to the extent that the water is rendered harmful to public health, safety or welfare, including: dredged soil; solid waste; incinerator residue; filter backwash; sewage; garbage; sewage sludge; munitions; medical wastes; chemical wastes; biological materials; radioactive materials; heat; wrecked or discarded equipment; rock; sand; cellar dirt; municipal, agricultural and industrial waste; and certain characteristics of wastewater (including pH, temperature, suspended solids, turbidity, color, biochemical oxygen demand, chemical oxygen demand, toxicity or odor).
- (xlix) **Pollution Prevention:** means the reduction of waste generation at a source including a practice that:
 - (a) Reduces the amount of a hazardous substance, pollutant, or contaminant entering a waste stream or released into the environment before recycling, treatment, or disposal; or
 - (b) Reduces a hazard to public health and the environment associated with the release of a hazardous substance, pollutant, or contaminant.
- (l) **POTW:** means a public treatment works, including:
 - (a) A device or system used in the storage, treatment, recycling, or reclamation of municipal sewage or liquid industrial wastes; and
 - (b) Equipment, sewer lines or pipes conveying wastewater to a POTW treatment plant; and
 - (c) Real property.
- (li) **Pretreatment:** means the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater before discharge or introduction of a pollutant into the POTW, by physical, chemical, or biological

process, process change, or permitted method, excluding dilution unless a pretreatment standard specifically allows dilution.

- (lii) ***Pretreatment Requirements:*** means a substantive or procedural requirement related to pretreatment of wastewater discharged to the POTW other than a pretreatment standard.
- (liii) ***Pretreatment Standard:*** means a prohibited discharge standard, categorical pretreatment standard, or local limit.
- (liv) ***Prohibited Waste:*** means a waste prohibited from discharge to the POTW except in accordance with this subsection (m).
- (lv) ***RCRA:*** means the federal Resource Conservation and Recovery Act, Title 42 of the United States Code, Section 6922, et seq., and its implementing regulations.
- (lvi) ***Receiving Waters:*** means the waterway into which a public wastewater treatment plant discharges the treated effluent.
- (lvii) ***Sanitary Sewer:*** means a pipe or conduit owned, controlled, or subject to the jurisdiction of the Village, designed to collect and transport wastewater.
- (lviii) ***Septic Tank Waste:*** means sewage from holding tanks including vessels, chemical toilets, campers, trailers, and septic tanks.
- (lix) ***Severe Property Damage:*** means substantial physical damage to property, damage to a treatment facility that renders the facility inoperable or substantial and permanent loss of natural resources not reasonably expected to occur in the absence of bypass, but not economic loss caused by delays in production.
- (lx) ***Sewage:*** means human excreta and gray water.
- (lxi) ***Sewer System:*** means the property necessary to operate the sanitary sewer utility, including land, wastewater lines and appurtenances, pumping stations, treatment works, wastewater treatment plants, and general property.
- (lxii) ***Significant Industrial User:*** means a person subject to a categorical pretreatment standard, or a person that:
 - (a) Discharges an average of 25,000 gallons or more daily of process wastewater to the POTW, excluding sanitary

wastewater, non-contact cooling and boiler blow down wastewater;

- (b) Contributes a process waste stream that makes up five percent (5%) or more of the average dry weather hydraulic or organic capacity of a POTW treatment plant; or
 - (c) Is designated a significant industrial user by the Village based on the user's potential for adversely affecting the POTW's operation or for violating a pretreatment standard or requirement.
- (lxiii) **Slug Discharge:** means a discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch discharge.
- (lxiv) **Standard Industrial Classification:** means a standard industrial classification under the Standard Industrial Classification Manual issued by the Office of Management and Budget.
- (lxv) **Storm Sewer:** means a sewer owned, controlled, or subject to the jurisdiction of the Village designed to carry storm and surface water, street wash and drainage water.
- (lxvi) **Storm Waster:** means a flow occurring during or following a form of natural precipitation and resulting from the precipitation, including snowmelt.
- (lxvii) **Suspended Solids:** means the total suspended matter that floats on the surface of or is suspended in water, wastewater, or other liquid that is removable by laboratory filtering and expressed in milligrams per liter.
- (lxviii) **TCEQ** means the Texas Commission on Environmental Quality.
- (lxix) **Total Toxic Organics:** means the limit applied to the sum of the concentration of toxic organics listed in 40 CFR Part 122, Appendix D, Table II.
- (lxx) **TPDES:** means the Texas Pollutant Discharge Elimination System program with authority to issue, modify, revoke, terminate, reissue, and enforce permits and pretreatment standards.
- (lxxi) **Treatment Plant Upset:** means an inhibition, impairment, or disruption of a wastewater treatment plant, its treatment processes

or operations, or its sludge processing, use or disposal that causes or significantly contributes to:

- (a) a violation of the NPDES or TPDES permits, including an increase in the magnitude or duration of a violation;
- (b) a disruption of sewage sludge use or disposal by the treatment plant;
- (c) a decrease in the quality of the effluent being discharged from the treatment plant; or
- (d) a decrease in the performance of the treatment plant processes or operations.

(lxxii) ***User Or Industrial User:*** means a person who contributes, causes, or allows an indirect discharge of a pollutant.

(lxxiii) ***Waste:*** means one (1) or more pollutants.

(lxxiv) ***Wastewater:*** means treated or untreated liquids and waterborne waste, drainage water and sewage from a residential dwelling, commercial building, industrial and manufacturing facility, or institution that is discharged to the POTW.

(lxxv) ***Wastewater Treatment Plant:*** means that portion of the POTW designed to provide treatment of wastewater.

3. Prohibited Discharges:

- a. General Prohibition Against Discharge: A person shall not discharge pollutants to the POTW that cause:
 - (i) A treatment plant upset;
 - (ii) Pass through or contribute to pollution of the POTW's receiving waters;
 - (iii) Interference with the operation of the POTW;
 - (iv) The POTW to be in violation of the NPDES permit or TPDES permit;
 - (v) Damage to the POTW;
 - (vi) A hazard to property, public health, or safety;

- (vii) The ambient air quality of the POTW to exceed standards established by federal, state or local law;
 - (viii) A violation of a permit issued under this subsection (m);
 - (ix) The concentration of pollutants in the POTW or in the POTW's sludge to exceed allowable limits; or
 - (x) A flow rate or quantity that exceeds the carrying capacity of the collection system.
- b. Specifically Prohibited Pollutants: Except as authorized by this subsection (m), a person shall not discharge to the POTW the following:
- (i) Other waste, as defined in this subsection (m);
 - (ii) A flammable or explosive liquid, solid, or gas, and similar substance that could create a fire or explosive hazard in the collection system or the POTW, including a waste stream with a closed-cup flashpoint of less than 140 degrees Fahrenheit (60 degrees Centigrade), tested in accordance with 40 CFR 261.21;
 - (iii) A pollutant regulated under a categorical pretreatment standard promulgated by EPA in a concentration or amount exceeding allowable limits;
 - (iv) A substance causing heat in the POTW at a temperature of 120 degrees Fahrenheit (48.9 degrees Centigrade) or higher, or at a temperature that inhibits biological activity in the POTW if the discharge causes interference, or an increase in the temperature of the influent to a treatment plant to 104 degrees Fahrenheit (40 degrees Centigrade) or higher;
 - (v) Garbage other than comminuted garbage;
 - (vi) Wastewater containing a noxious or malodorous liquid, gas, solid, or substance that, independently or interactively creates a public nuisance, or hazard to public health and safety, or prevents entry into the sanitary sewer for maintenance or repair;
 - (vii) A pollutant that result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity or concentration that creates a danger to public health or safety;

- (viii) An acid, alkali, or substance with a pH value lower than 6.0 or higher than 11.5 standard units, or that corrodes or damages the POTW;
- (ix) Petroleum oil, non-biodegradable cutting oil, or a product of mineral oil origin in an amount that causes interference or pass through;
- (x) Waste containing a prohibited pollutant trucked or hauled from its point of origin, except as approved by the Village;
- (xi) Waste removed from a pretreatment facility or private sewage facility, except at discharge points designated by the Village;
- (xii) Phenol or a similar substance in concentrations that produce odor or taste in the POTW's receiving waters, if the receiving waters are used as drinking water;
- (xiii) Wastewater containing radioactive materials in concentrations greater than allowed by current regulations of the Texas Department of Health or other agency of competent jurisdiction;
- (xiv) A solid or viscous pollutant in a quantity or concentration that could obstruct the flow in the POTW or result in a sanitary sewer overflow or interference;
- (xv) A pollutant or oxygen demanding pollutant discharged at a flow rate or concentration that could interfere with the POTW, or is not treatable;
- (xvi) A pollutant, dye water, vegetable tanning solution, whole blood, or a substance that causes untreatable color in the POTW effluent;
- (xvii) medical wastes, except as authorized by permit;
- (xviii) Sludge, screenings or other residues from the pretreatment of industrial waste or other prohibited waste, except as authorized by the Village;
- (xix) Wastewater containing pollutants that cause the POTW effluent to fail a toxicity test;
- (xx) Waste containing detergent, a surface-active agent, or a substance that could cause excessive foaming in the POTW or its effluent;

- (xxi) Wastewater causing a single meter reading of more than ten percent (10%) of the lower explosive limit on an explosion hazard meter;
 - (xxii) Antifreeze or a coolant solution used in a vehicle or motorized equipment;
 - (xxiii) An enzyme, chemical, or other agent that allows fat, oil, grease or a solid to pass through a pretreatment facility;
 - (xxiv) Drainage water;
 - (xxv) Ground water; and
 - (xxvi) Drainage water or ground water contaminated by a prohibited pollutant, except as specifically authorized in this subsection (m).
- c. Limit on Discharge of Fat, Oil or Grease:
- (i) Except as authorized by this subsection (m), a person shall not discharge fat, oil, grease, or similar material to the POTW in excess of an instantaneous maximum allowable limit of 200 milligrams per liter.
 - (ii) If necessary to protect the POTW or sanitary sewer, the Village may issue a permit, order, or rule that assigns the limits on discharge of fat, oil, grease, or a similar substance as:
 - (a) Instantaneous maximum allowable limits;
 - (b) Daily average limits;
 - (c) Daily maximum limits;
 - (d) Monthly average limits; or
 - (e) Limits of other sampling duration or averaging period.
- d. Discharge of Contaminated Drainage or Ground Water: A person shall not discharge drainage or ground water contaminated by a prohibited pollutant unless:
- (i) The person discharging the contaminated drainage or ground water:
 - (a) Applies for and receives a discharge permit; and

- (b) Pretreats the drainage or ground water in compliance with this subsection (m) and with the Village's non-point source pollution control ordinance; and
- (ii) The Village:
 - (a) Assesses the characteristics, volume and concentrations of pollutant;
 - (b) Determines that discharge to the POTW is an appropriate disposal method;
 - (c) Determines that the discharge will not harm the POTW, or public health or property; and
 - (d) Issues a discharge permit under this subsection (m).
- e. Dilution Prohibited: Except as otherwise provided in this subsection (m), a person shall not increase the use of process water or otherwise dilute a discharge to achieve compliance with a discharge limitation or pretreatment standard.
- f. Improper Processing or Storage of Prohibited Waste:
 - (i) A person shall not process or store prohibited waste in a manner that causes a discharge to the POTW of wastewater containing prohibited waste that has not been pretreated.
 - (ii) A person shall not connect a hold-haul tank to the sanitary sewer without the written approval of the Village.
- g. Bypass:
 - (i) Except as otherwise provided in this subsection (m), a person discharging wastewater containing prohibited waste to the POTW shall not allow a bypass to occur.
 - (ii) A person discharging wastewater containing prohibited waste to the POTW shall allow a bypass that:
 - (a) Complies with pretreatment standards; and
 - (b) Is for essential maintenance to assure efficient operation of the person's facility.

- (iii) If a person knows in advance that a bypass is to occur, the person shall submit written notice of the anticipated bypass to the Village on the earlier of:
 - (a) Ten (10) days before the date of the anticipated bypass; or
 - (b) If less than ten (10) days before the date of the anticipated bypass, upon obtaining knowledge that the bypass is to occur.
- (iv) A person who knows in advance that a bypass will occur shall obtain authorization from the Village before release of the discharge.
- (v) A person who is aware that an unanticipated bypass exceeding pretreatment standards or requirements occurred shall notify the Village:
 - (a) By telephone or in person no later than twenty-four (24) hours after the person becomes aware of an unanticipated bypass; and
 - (b) In writing no later than the fifth (5th) day after the person becomes aware of an unanticipated bypass.
- (vi) A written report of an anticipated or unanticipated bypass shall include:
 - (a) A description of the bypass;
 - (b) The cause of the bypass;
 - (c) The duration of the bypass, including exact dates and times; and
 - (d) If the bypass has not been corrected:
 - (1) The anticipated duration of the bypass; and
 - (2) Actions taken or planned to reduce or eliminate the ongoing bypass, and prevent reoccurrence of the bypass.
- (vii) The Village may waive the requirement of a written report for an unanticipated bypass if the person has made a verbal report in compliance with this subsection (m).

4. Pretreatment Standards:

- a. National Pretreatment Standards: Except as otherwise provided in this subsection (m), a person shall comply with the categorical pretreatment standards established by 40 CFR Chapter I, Subchapter N, Parts 405-471.
- b. Exceptions to Categorical Pretreatment Standards:
 - (i) The Village may impose equivalent concentration or mass limits in accordance with 40 CFR 403.6(c) if a pretreatment standard is expressed only in terms of either pollutant mass or concentration in wastewater.
 - (ii) The Village shall impose an alternate limit using the combined waste stream formula in 40 CFR 403.6(e) if wastewater subject to a pretreatment standard is mixed with wastewater not regulated by the same standard.
 - (iii) The Village may grant a variance to a person subject to a categorical pretreatment standard if the person proves under 40 CFR 403.13 that factors relating to the person's discharge are fundamentally different from the factors considered by EPA in developing the categorical pretreatment standard.
 - (iv) The Village may grant an adjustment to a person subject to a categorical pretreatment standard under 40 CFR 403.15.
- c. State Pretreatment Standards: Except as otherwise provided in this chapter, a person shall comply with the pretreatment standards established by the State of Texas.
- d. Local Limits: A person shall not discharge or allow the discharge to the POTW of wastewater containing the following individually identified specific pollutants in concentrations, solution, or suspension that exceed the following limits:

Pollutant	Milligrams per Liter	
(i)	Arsenic, Total (T)	0.2
(ii)	Cadmium (T)	0.4
(iii)	Chromium (T)	4
(iv)	Copper (T)	1.1

Pollutant	Milligrams per Liter	
(v)	Cyanide (T)	1.0
(vi)	Fluoride (T)	65.0
(vii)	Lead (T)	0.4
(viii)	Manganese (T)	6.1
(ix)	Mercury (T)	0.002
(x)	Molybdenum (T)	1.1
(xi)	Nickel (T)	1.6
(xii)	Selenium (T)	1.8
(xiii)	Silver (T)	1.0
(xiv)	Zinc (T)	2.3

- e. Total Toxic Organics: A person shall not discharge or allow the discharge of wastewater containing total toxic organics to the POTW in excess of an instantaneous maximum allowable limit of 2.0 milligrams per liter.
- f. Compliance Determination; Assignment of Limits:
 - (i) The Village may determine compliance with the local limits or the total toxic organics limit based on the analysis of:
 - (a) A grab sample; or
 - (b) A combination of grab samples, time composite samples, or flow composite samples.
 - (ii) If necessary to protect the POTW or sanitary sewer, the Village may issue a permit, order, or rule that assigns the local limits or the total toxic organics limit as:
 - (a) Instantaneous maximum allowable limits;
 - (b) Daily average limits;
 - (c) Daily maximum limits;

- (d) Monthly average limits; or
- (e) Limits of other sampling duration or averaging period.

5. Pretreatment Requirements:

- a. Pretreatment Required: A person generating wastewater containing prohibited waste discharged to the POTW shall pretreat the prohibited waste in compliance with the discharge standards, local limits, and requirements established in this section, or otherwise lawfully dispose of the prohibited waste.
- b. Pretreatment Facilities Required: A person discharging prohibited waste to the POTW shall install, operate, and maintain wastewater pretreatment facilities approved by the Village.
- c. Permit Required:
 - (i) A person shall obtain a permit from the Village before discharging wastewater containing prohibited waste to the POTW.
 - (ii) A person shall not discharge wastewater from a pretreatment facility except as allowed by a permit issued by the Villager.
 - (iii) The Village may set permit pretreatment standards more stringent than those contained in this subsection (m), local, state, or federal regulation, if the Village determines that the standards are necessary to protect the POTW.
- d. Pretreatment Plans:
 - (i) A person required to pretreat waste or wastewater before discharge to the POTW, shall submit complete plans and specifications for the pretreatment system to the Village.
 - (ii) A plan developed under this subsection (m) shall describe the proposed pretreatment method, process, or technology, including products, chemicals, agents or devices used for pretreatment.
 - (iii) A person shall obtain the Village's approval prior to:
 - (a) Discharging wastewater; or
 - (b) Constructing, using or modifying a pretreatment facility, method, process or technology.

- e. Inspection and Approval:
 - (i) A person shall not discharge wastewater to the POTW from or through a pretreatment facility until the facility's design, size, construction plan, installation, and connection to the POTW has been inspected and approved by the Village.
 - (ii) The Village may require a pretreatment facility, process, device, agent or product to be tested prior to use or commencement of a discharge to the POTW.
- f. Wastewater Flow Control: The Village may require a person discharging to the POTW to:
 - (i) Restrict or equalize the flow rate of discharge;
 - (ii) Designate specific sewers for discharge of particular wastewater;
 - (iii) Relocate or consolidate points of discharge;
 - (iv) Separate a domestic sewage wastewater flow from an industrial wastewater flow; and
 - (v) Implement wastewater flow control or limitations on wastewater discharge as necessary to protect the POTW, or determine compliance with this subsection (m).
- g. Flammable Substances:
 - (i) The Village may require a person discharging wastewater containing potentially flammable substances to install and maintain an approved combustible gas detection meter.
 - (ii) A person discharging wastewater containing potentially flammable substances shall install and maintain an approved combustible gas meter at the request of the Village.
- h. Slug Control Plan:
 - (i) A person discharging wastewater containing industrial waste or other prohibited waste to the POTW shall implement a system and procedures to prevent slug discharges.
 - (ii) The Village may require a person to develop and implement a slug control plan before authorizing the person to connect water or wastewater service to discharge wastewater to the POTW.

- (iii) At least every two (2) years, the Village shall determine if a significant industrial user has sufficient systems and procedures to prevent slug discharges. The Village shall require a significant industrial user to develop and implement a slug control plan under this subsection (m) if the Village finds a risk to the POTW exists.
- (iv) A plan developed under this subsection (m) shall include the following:
 - (a) Description of discharge practices including a non-routine batch discharge;
 - (b) Description of stored chemicals;
 - (c) Procedures for immediate notification of the POTW in the event of an accident or slug discharge in violation of this subsection (m); and
 - (d) Procedures to prevent property damage or danger to public health and safety from an accident or slug discharge including:
 - (1) Storage area inspection and maintenance;
 - (2) Material handling and transfer;
 - (3) Loading and unloading operations;
 - (4) Plant site runoff control;
 - (5) Worker training;
 - (6) Containment structures or equipment construction;
 - (7) Toxic organic pollutants containment;
 - (8) Emergency response equipment and plan; and
 - (9) Spill detection.

i. Toxic Organic Management Plan:

- (i) The Village may require submission of a toxic organic management plan as an alternative to or in addition to routine total toxic organics monitoring for a user regulated under the CFR categories of:

- (a) Electroplating;
 - (b) Metal finishing;
 - (c) Electrical and electronic components; or
 - (d) Other categories authorized by the CFR.
- (ii) A toxic organic management plan submitted under this subsection (I) shall include:
 - (a) A complete inventory of all toxic organic chemicals:
 - (1) Used in regulated process operations, including organic constituents of a trade-name product; or
 - (2) Identified through wastewater sampling and analysis;
 - (b) A description of disposal methods, excluding dumping, used for inventoried compounds;
 - (c) Spill prevention, control, and countermeasures plan to prevent spillage or leakage of a regulated toxic organic chemical into process wastewater, floor drains, non-contact cooling water, groundwater, surface water or general discharge of a toxic organic chemical;
 - (d) Determination of identity and approximate quantity of toxic organic chemical used and discharged from a regulated manufacturing process; and
 - (e) Identity of toxic organic chemicals that may be present in wastewater discharged to the sanitary sewer as a result of a regulated process or disposal, spill, leak, rinse water carryover, air pollution control, and other source.
- j. Best Management Practices: The Village may require a person discharging to the POTW to adopt and implement best management, source reduction and pollution prevention practices necessary to protect the POTW.
- k. Mass Limitations on Pollutants: The Village may impose limits on the mass of pollutant discharges if necessary to:

- (i) Protect the POTW; or
 - (ii) Prevent prohibited dilution of pollutants.
- l. Off-Site Waste Disposal: A person shall comply with applicable local, state, and federal regulations on storage, handling, transportation and disposition of wastes and residues removed for off-site disposal from pretreatment facilities, or prohibited from discharge to the POTW.
- m. New Source:
 - (i) The Village may make a determination that construction at an existing source of discharge results in a new source.
 - (ii) The Village may not find that an existing source becomes a new source if construction on a site where an existing source is located does not create a new building, structure, facility or installation meeting the definition of new source under this subsection (M) but otherwise alters, replaces, or adds to existing process or production equipment.
 - (iii) The Village may determine that a source becomes a new source if the owner or operator has:
 - (a) Begun placement, assembly or installation of facilities or equipment, or significant site preparation work including clearing, excavation, or removal of an existing building, structure, or facility as part of a continuous onsite construction program; or
 - (b) Entered a contract to purchase facilities or equipment intended for operational use within a reasonable time, excluding options to purchase or contracts subject to termination or modification without substantial loss, or feasibility, engineering, and design study contracts.
- n. Commercial or Institutional Food Preparation: A person operating a commercial or institutional food preparation business, including a food processor, bakery, restaurant, school, hospital, retirement home, assisted living center, grocery store or other commercial or institutional food preparation operation must construct, operate, and maintain a pretreatment facility approved by the Village.
- o. Vehicle or Equipment Wash Facility: A person operating a commercial vehicle or equipment wash facility with manual or automated equipment shall discharge drainage or wastewater through a pretreatment facility

approved by the Village. A person operating a vehicle or equipment wash facility shall prevent drainage water from entering the sanitary sewer or natural drainage ways.

- p. Vehicle or Equipment Minor Maintenance Facility: A person operating a vehicle or equipment minor repair business that performs engine tune-up, air conditioning repair, electrical repair, front end alignments, exhaust system repair, suspension system repair, or brake system repair, shall obtain the Village approval of the building design, size, and construction before discharging floor wash water to the POTW through a pretreatment facility.
- q. Vehicle or Equipment Major Maintenance or Fluid Change Facility:
 - (i) A person operating a vehicle or equipment major repair business that performs engine dismantling, transmission repair, hydraulic system repair, differential repair, engine part rebuilding, or fluid changing, shall construct, operate, and maintain a pretreatment system approved by the Village.
 - (ii) A person operating a vehicle or equipment major repair business may not discharge wastewater to the POTW through a floor drain or other device unless the effluent produced consistently complies with the standards established in this subsection (m).
 - (iii) A person operating a vehicle or equipment major repair business that does not maintain a pretreatment system or process shall:
 - (a) Discharge into a hold-haul tank of a design, size, and construction approved by the Village; or
 - (b) Physically separate the major vehicle or equipment maintenance and fluid change facility from building areas that drain to the POTW.
- r. Steam Cleaning or Chemical Cleaning Facility: A person operating a steam cleaning or chemical cleaning facility shall construct, install, or maintain a pretreatment facility or process approved by the Village prior to discharging wastewater to the sanitary sewer.

6. Permit Process. **Reserved**

7. Equipment and Structures: **Required**

- a. Authority to Require Specific Equipment: The Village may require a person discharging wastewater containing prohibited waste to the POTW to install, operate and maintain equipment for:
 - (i) Pretreatment;
 - (ii) Sampling;
 - (iii) Monitoring;
 - (iv) Flow equalization;
 - (v) Flow metering; or
 - (vi) Protection of the POTW.
- b. Flow Equalization Tanks:
 - (i) The Village may require a person to install a flow equalization tank to prevent:
 - (a) Pass through;
 - (b) Interference;
 - (c) Collection system overload;
 - (d) Treatment plant upset;
 - (e) Inadequate treatment; or
 - (f) Damage to the POTW.
 - (ii) A person shall submit plans for construction of a flow equalization tank to the Village for review and approval before construction.
 - (iii) A person required to install a flow equalization tank shall operate and maintain the equipment in compliance with manufacturer's specifications.

8. Monitoring and Reporting:

- a. General Monitoring Authority:
 - (i) The Village or a state or federal regulatory agency may install and maintain equipment and personnel necessary to conduct

surveillance, survey, sample, meter, or monitor a premises or facility discharging wastewater containing industrial waste or other prohibited waste.

- (ii) The Village may require a person to install monitoring and recording equipment the Village determines is necessary to monitor wastewater parameters and characteristics including:
 - (a) pH;
 - (b) Dissolved oxygen;
 - (c) Total carbon;
 - (d) Oxidation reduction potential;
 - (e) Temperature;
 - (f) Conductivity;
 - (g) Specific ions;
 - (h) Flow;
 - (i) Total organic carbon;
 - (j) Lower explosive limit; and
 - (k) Sulfides.
- (iii) The Village may monitor the quality and volume of discharge from a multiple user facility.

b. Flow Measurement:

- (i) The Village may require a person discharging industrial waste or prohibited waste into the POTW to install equipment necessary to measure the flow at a designated point.
- (ii) The Village may determine the volume of wastewater to be discharged by a person to the POTW based on:
 - (a) Actual metered flow of water;
 - (b) The average of the actual metered flow of water;

- (c) Actual metered flow of water measured through a water meter or wastewater flow meter of a design, size, construction, and installation approved by the Village.

c. Sampling Guidelines:

- (i) The Village may sample and inspect wastewater discharged or deposited to the POTW by significant industrial users:
 - (a) Annually; or
 - (b) More frequently as necessary to protect the POTW.
- (ii) The Village may periodically sample and inspect wastewater discharged or deposited to the POTW by a person not classified as a significant industrial user.
- (iii) The Village shall collect samples representative of the character and concentration of the wastewater under operational conditions.
- (iv) A person may request that the Village sample wastewater discharged at any time provided the person pays the full cost of sampling and analysis. The Village is not required to perform additional requested sampling.
- (v) In the event that the Village determines that a sample contains a prohibited pollutant in a different amount or concentration than a wastewater sample taken by a person subject to self-sampling or self-monitoring, the measurement taken by the Village shall be determinative.

d. Self-Monitoring And Reporting Requirements:

- (i) A person engaged in an industry subject to national pretreatment requirements promulgated by EPA shall follow the self-monitoring and reporting requirements published in the Federal Register.
- (ii) The Village may authorize a person who discharges waste to the sanitary sewer to:
 - (a) Take periodic samples;
 - (b) Analyze the samples for the presence or quantity of prohibited pollutants; and
 - (c) Report the results to the Village.

- e. Authorized Signature Required: An authorized representative shall sign the following reports and the reports shall contain the certification set out in subsection (6) above.
 - (i) Baseline monitoring reports from existing categorical user;
 - (ii) Baseline monitoring report from new source categorical user;
 - (iii) Categorical pretreatment standard compliance deadline report; and
 - (iv) Periodic reports required from a significant industrial user or other user.
- f. Baseline Monitoring Report From Existing Categorical User: No later than the one hundred eightieth (180th) day after the effective date of a categorical pretreatment standard or the date of the final administrative decision on a category determination under 40 CFR Section 403.6(a)(4), existing categorical users currently discharging or scheduled to discharge to the POTW, shall submit a report to the Village in compliance with the requirements of subsection (H) below.
- g. Baseline Monitoring Report from new Source Categorical User:
 - (i) No later than the ninetieth (90th) day before beginning discharge, a new source user or a source that becomes a significant industrial user after the promulgation of a categorical pretreatment standard shall submit a report to the Village in compliance with the requirements of subsection (H) below, together with a report describing the pretreatment method the user intends to use to meet applicable pretreatment standards.
 - (ii) New source users shall give estimates of information showing:
 - (a) The measured average daily and maximum daily flow in gallons per day to the POTW from regulated process and other wastewater sufficient to allow calculation of the combined waste stream formula set out in 40 CFR Section 403.6(e);
 - (b) Measurement of pollutants;
 - (c) Identification of the categorical pretreatment standards applicable to the regulated process; and
 - (d) The results of a sampling and analysis representative of daily operations:

- (1) Performed in accordance with approved techniques set out in 40 CFR Part 136; and
 - (2) If required by an applicable pretreatment standard or the Village, identifying the nature and concentration or mass of regulated pollutants in the discharge from the regulated process including:
 - i. Instantaneous;
 - ii. Daily maximum; and
 - iii. Average concentration or mass.
- h. Information Required from a Person Subject to Categorical Pretreatment Standards: Existing or new source categorical users shall submit the following information to the Village in reports under this subsection (H):
 - (i) The name and address of the facility;
 - (ii) The name of the owner, operator, or manager of the facility;
 - (iii) A list of environmental control permits held by or for the facility;
 - (iv) A brief description of the nature, average rate of production, and standard industrial classification or North American Industry Classification System classification of the operation conducted by the user including a schematic process diagram that indicates points of discharge to the POTW from the regulated process;
 - (v) Information showing the measured average daily and maximum daily flow in gallons per day to the POTW from regulated process and other wastewater sufficient to allow calculation of the combined waste stream formula set out in 40 CFR Section 403.6(e);
 - (vi) Measurement of pollutants;
 - (vii) Identification of the categorical pretreatment standards applicable to the regulated process;
 - (viii) The results of a sampling and analysis representative of daily operations:

- (a) Performed in accordance with approved techniques set out in 40 CFR Part 136; and
 - (b) If required by an applicable pretreatment standard or the Village, identifying the nature and concentration or mass of regulated pollutants in the discharge from the regulated process including:
 - (1) Instantaneous;
 - (2) Daily maximum; and
 - (3) Average concentration or mass;
 - (ix) A statement reviewed by its authorized representative and certified to by a qualified technician indicating:
 - (a) That the user meets pretreatment standards on a consistent basis; or
 - (b) If the user does not meet pretreatment standards, additional operation and maintenance or additional pretreatment necessary to meet the pretreatment standards and requirements; and
 - (x) A compliance schedule, if applicable.
- i. Compliance Schedule Requirements:
- (i) If additional pretreatment or operation and maintenance are required to meet a pretreatment standard, a user shall immediately perform the additional pretreatment or operations and maintenance.
 - (ii) A compliance schedule under this subsection (I) shall:
 - (a) Include a completion date not later than the compliance date in the pretreatment standard;
 - (b) Achieve the compliance requirements set by the Village;
 - (c) Include progress increments, not to exceed nine (9) months, or benchmarks showing the dates for commencement and completion of major events necessary to meet pretreatment standards, including:
 - (1) Employment of an engineer;

- (2) Completion of preliminary and final plans;
 - (3) Execution of contracts;
 - (4) Commencement and completion of major component construction; and
 - (5) Pre-operation testing.
- (iii) A person required to submit a compliance schedule under this subsection (I) shall also file a progress report, no later than the fourteenth (14th) day after the date of a major event in a compliance schedule or the date of final compliance.
 - (iv) A progress report filed under this subsection (I) shall include a statement that:
 - (a) The person is in compliance with the progress increment; or
 - (b) Explains the reason for delay, and the action taken to achieve the established schedule.

j. Categorical Pretreatment Standard Compliance:

- (i) A person shall file a report with the Village no later than the ninetieth (90th) day after:
 - (a) The date of final compliance with a categorical pretreatment standard; or
 - (b) In the case of a new source, the date wastewater is first introduced into the POTW.
- (ii) A report filed under this subsection (J) shall contain:
 - (a) Information showing the measured average daily and maximum daily flow in gallons per day to the POTW from a regulated process and other wastewater sufficient to allow calculation of alternate limits using the combined waste stream formula set out in 40 CFR Section 403.6(e);
 - (b) Measurement of pollutants;

- (c) Identification of the categorical pretreatment standards applicable to the regulated process;
 - (d) The results of a sampling and analysis representative of daily operations:
 - (1) Performed in accordance with approved techniques set out in 40 CFR Part 136; and
 - (2) If required by an applicable pretreatment standard or the Village, identifying the nature and concentration or mass of regulated pollutants in the discharge from the regulated process including:
 - i. Instantaneous;
 - ii. Daily maximum; and
 - iii. Average concentration or mass; and
 - (e) A statement reviewed by its authorized representative and certified to by a qualified technician indicating:
 - (1) That the user meets pretreatment standards on a consistent basis; or
 - (2) If the user does not meet pretreatment standards, additional operation and maintenance or pretreatment necessary to meet the pretreatment standards and requirements.
 - (iii) A significant industrial user subject to equivalent mass or concentration limits established in accordance with the procedures in 40 CFR Section 403.6(c) shall report a reasonable estimate of the significant industrial user's long term production rate.
 - (iv) Other users subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge for each unit of production or other measure of operation, shall report the user's actual production or other measure of operation.
- k. Periodic Reports:
- (i) A significant industrial user subject to a pretreatment standard shall submit to the Village a written, signed and certified report at least twice each calendar year on the dates specified by the Village.

- (ii) A report under this subsection (K) shall include the information required in subsection (H) above.
- (iii) The Village may require a person who generates waste discharged, deposited or otherwise received for treatment at the POTW to report:
 - (a) The nature and concentration of pollutants in the discharge;
 - (b) The origin of the waste; and
 - (c) Other information as the Village considers necessary to identify and process the waste or to protect the POTW.
- (iv) If the Village imposes mass limitations on an user under 40 CFR Section 403.6 (d), the user shall include the mass of pollutants in the user's discharge regulated by the pretreatment standards in the periodic report required under this subsection (K).
- (v) If the Village has imposed equivalent mass or concentration limits on an user under 40 CFR Section 403.6 (c), the user shall include a reasonable estimate of the user's long-term production rate in the periodic report required under this subsection (K).
- (vi) Users subject to categorical pretreatment standards expressed only in terms of allowable pollutant discharge for each unit of production or other measure of operation, shall include the user's actual average production rate for the reporting period in the periodic report required in this subsection (K).

I. Changed Condition:

- (i) For the purpose of this subsection (L) a significant change is a flow increase of ten percent (10%) or more, or the discharge of a previously unreported pollutant.
- (ii) A person discharging wastewater with the potential to alter the nature, quality, or volume of the wastewater in the POTW or a portion of the sanitary sewer shall notify the Village of planned significant changes to the person's operations or wastewater treatment system, not later than the earliest of:
 - (a) The thirtieth (30th) day before the person implements the change;
 - (b) The date required by the person's permit; or

- (c) The date prescribed by the standards and procedures contained in this subsection (L).
 - (iii) The Village may require a person who discharges wastewater to the POTW to submit information necessary to evaluate a changed condition in the person's operations or wastewater treatment system, including an application for a permit.
 - (iv) The Village may issue a permit or modify an existing permit based on a report of changed conditions.
 - (v) A person shall not implement a planned significant change until the Village has acted on the person's notice under this subsection (L).
- m. Accidental or Unauthorized Discharge:
- (i) A person shall immediately notify the Village by telephone if a discharge occurs which may cause a potential problem for the POTW or a violation of the prohibited discharge standards established under this subsection (M), including:
 - (a) An accidental discharge;
 - (b) A non-routine, episodic discharge;
 - (c) A non-customary batch discharge; or
 - (d) A slug discharge.
 - (ii) Notice under this subsection (M) shall include:
 - (a) The location of the discharge;
 - (b) The type of waste or pollutant discharged;
 - (c) The concentration and volume of waste or pollutant discharged;
 - (d) Treatability of the waste or pollutant;
 - (e) Toxic effects to humans; and
 - (f) Corrective actions taken.

- (iii) No later than the fifth (5th) day after the discharge, the person responsible for the discharge shall submit a written report to the Village describing:
 - (a) The nature and cause of the discharge; and
 - (b) Preventative measures that will be taken to prevent similar future occurrences.
 - (iv) The Village may, in writing, waive the requirement of a report under this subsection (M).
 - (v) A person providing notification under this subsection (M) is not relieved of liability for loss, expense, damage, or other injury that may occur as a result of the discharge.
- n. Employee Notification: A person discharging wastewater containing prohibited waste shall permanently post notice of procedures for reporting problem discharges in a prominent place. A person shall inform an employee who causes a problem discharge or is responsible for reporting a problem discharge of the notification requirements and procedures under this subsection (m).
- o. Required Report: A person who discharges wastewater containing prohibited waste to the POTW shall provide the Village with reports and information that the Village considers necessary to monitor and evaluate a particular discharge.
- p. Self-Report of Violation: A person who discharges wastewater containing prohibited waste to the POTW and who performs sampling that indicates a violation of this subsection (m) shall notify the Village no later than twenty-four (24) hours after becoming aware of the violation.
- q. Hazardous Waste Discharge Notification:
 - (i) A person who discharges waste to the POTW that, if otherwise disposed of, would be hazardous waste under 40 CFR Part 261, shall notify the Village, the EPA, and the TCEQ of the discharge.
 - (ii) Notification under this subsection (Q) shall include:
 - (a) The name of the hazardous waste as described in 40 CFR Part 261;
 - (b) The EPA hazardous waste identification number; and

- (c) The type of discharge.
- (iii) A person shall provide the notification required under this subsection (Q) no later than the one hundred eightieth (180th) day after the discharge of the hazardous waste begins. Except as provided in subsection (iv) below, a person shall submit notification only once under this subsection (Q) for each hazardous waste discharged.
- (iv) If a person discharges more than one hundred kilograms (100 kg) of waste subject to this subsection (Q) to the POTW in a calendar month, written notification under this subsection (Q) shall include:
 - (a) Identification of the hazardous constituents contained in the waste;
 - (b) An estimate of the mass and concentration of the hazardous constituents in the waste stream discharge during the current calendar month; and
 - (c) An estimate of the mass of hazardous constituents that will be discharged in the waste stream during the following twelve (12) month period.
- (v) Except as provided in subsection (vi) below, a person discharging less than fifteen kilograms (15 kg) of hazardous waste not classified as acute hazardous waste under 40 CFR Sections 261.30(d) and 261.33(e) during a calendar month is exempt from the notification requirements of this subsection (Q).
- (vi) A pollutant previously reported under the self-monitoring requirements in this subsection (Q) does not need to be identified in the notification required under this subsection (Q).
- (vii) A person shall provide written notification to the Village, the EPA and the TCEQ upon the first discharge of:
 - (a) More than fifteen kilograms (15 kg) of non-acute hazardous waste in a calendar month; or
 - (b) A quantity of acute hazardous wastes under 40 CFR Sections 261.30(d) and 261.33(e).
- (viii) A person shall notify the Village, the EPA, and the TCEQ of the discharge of a substance newly identified as hazardous under Section 3001 of the Resource Conservation and Recovery Act no later than the ninetieth (90th) day after the effective date of the

regulation identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste.

- (ix) A person required to provide notification made under this subsection (Q) shall certify that a program to reduce the volume and toxicity of hazardous waste is installed and functional.

r. Records Retention:

- (i) A person discharging wastewater containing prohibited waste to the POTW or disposing of waste off-site shall retain and make available for inspection and copying by the Village all records and information required under this subsection (R).
- (ii) Unless federal or state law requires information to be retained for a longer period, a person shall retain records under this subsection (R) for at least three (3) years from the date the record is created.
- (iii) The records retention period is automatically extended for:
 - (a) The duration of compliance litigation under this subsection (8); or
 - (b) A longer period set by an enforcement order issued under this subsection (8).

- s. Confidentiality: A person who may assert the trade secret exception to disclosure under Chapter 552 of the Texas Government Code shall clearly mark “confidential business information” on each page that contains proprietary information.

t. Sampling and Analysis Requirements:

- (i) Except as otherwise provided by a categorical pretreatment standard, a person who samples or analyzes wastewater under this subsection (T) shall perform the sampling or analysis in accordance with the techniques prescribed in 40 CFR Part 136.
- (ii) If 40 CFR Part 136 does not contain sampling or analytical techniques for a pollutant found in wastewater released to the POTW, a person shall perform sampling and analysis in accordance with procedures approved by EPA.

u. Required Sample Collection Techniques:

- (i) Except as otherwise provided in this subsection (8) or by applicable federal, state, or local law, a person that discharges wastewater containing industrial waste or other prohibited waste shall collect a wastewater sample using flow proportional composite collection techniques.
 - (ii) If the Village determines that flow proportional sampling is not feasible, the Village may authorize the use of:
 - (a) Time proportional sampling;
 - (b) Sampling of a minimum of four (4) grab samples; or
 - (c) Other applicable approved sampling procedure provided that the procedure collects a representative sample of the discharged effluent.
 - (iii) A person shall use grab collection techniques to obtain samples of fat, oil, grease, temperature, pH, cyanide, phenols, sulfides, and volatile organic chemicals.
- v. Repeat Sampling Required:
 - (i) In addition to the self-reporting requirements in this subsection (8), a person discharging wastewater containing prohibited waste who conducts a sample and analysis that indicates a violation of this section shall:
 - (a) Repeat the sampling and analysis; and
 - (b) Submit the results of the repeat analysis to the Village not later than the thirtieth (30th) day after becoming aware of the violation.
 - (ii) A person is not required to conduct repeat sampling and analysis under this subsection (V) if the POTW:
 - (a) Monitors the person's premises at least once (1) each month; or
 - (b) Conducts a sampling between the initial self-sampling and receipt by the person of the results of the sample analysis.
- w. Sampling Requirements:

- (i) A person shall use wastewater samples representative of actual discharge as the basis of a periodic report filed with the Village.
 - (ii) A person shall maintain and operate wastewater monitoring and flow measurement facilities in good working order. A user shall not submit a sample result that is not representative of an operation's discharge based on the user's failure to keep its monitoring facility in good working order.
 - (iii) A person subject to categorical reporting requirements shall include the results from all approved methods used to monitor a pollutant in the periodic report to the Village, including results obtained by monitoring conducted more frequently than required by the Village.
- x. Sample to Determine Non-Compliance: The Village may use a grab sample to determine non-compliance with pretreatment standards.

9. Wastewater Leaks:.

- a. Notice to Customer of Leak or Defect. The Village shall notify a customer of a plumbing defect or leak that permits excess wastewater to enter or infiltrate the surrounding soils, public water or stormwater collection system.
- b. Duty to Repair or Replace.
 - (i) A person notified under this subsection (10) shall repair the defect or leak in compliance with the Plumbing Code no later than the sixtieth (60th) day after the date the person received notice.
 - (ii) A person notified under this subsection (10) shall provide the Village with written notice of compliance no later than the fifth (5th) day after the date repair work is completed.
- c. Offenses:
 - (i) A person notified under this subsection (10) commits an offense if the person does not:
 - (a) Repair a leak or defect within tenth (10) days; and
 - (b) Submit a notice of compliance.
 - (ii) Each day repairs are not completed after ten (10) days from the date of notice constitutes a separate offense. Each day a notice of

compliance is not filed after the due date constitutes a separate offense.

(iii) An owner or the owner's agent or manager violates subsection (9) if:

(a) The owner's tenant notifies the owner or the owner's agent or manager that a leak or defect exists;

(b) The owner does not repair the leak or defect not later than the tenth (10th) day after the date of the notice; and

(c) The owner fails to submit a notice of compliance to the Village.

d. Termination of Water Service: The Village may terminate water and wastewater service to a property if:

(i) A defect or leak exists in the plumbing of the property;

(ii) The magnitude of the defect or leak causes an immediate threat or danger to public health, safety or property; and

(iii) Notice has been issued under this subsection (10).

10. Manhole Requirements: All manholes must comply with City of Austin Clean Water Program standards.

11. Enforcement, Penalties, and Appeal:

a. Right of Entry:

(i) The Village or an approval authority representative may enter the premises of a person to determine if the person is in compliance with the requirements of this subsection (m) or a permit or order issued under this subsection (m). The Village may enter a public easement or private property where a portion of the sewer system is located.

(ii) The Village or an approval authority representative may:

(a) Enter, inspect, sample, monitor or conduct surveillance or enforcement activities relating to the sewer system servicing a premises;

- (b) Enter a premises to gain access to a source of industrial waste or other prohibited waste or discharge; and
 - (c) Inspect pretreatment, sampling, or monitoring equipment, method of pretreatment, monitoring, or record required under this subsection (m).
 - (iii) A person discharging or proposing to discharge wastewater to the POTW or sanitary sewer shall, at the person's sole expense, promptly remove security barriers or other obstacles to access by the Village or an approval authority representative.
 - (iv) A person who fails to remove an obstruction or unreasonably delays access by the Village or an approval authority representative to premises discharging to the POTW commits an offense.
- b. Search Warrant: The Village may seek issuance of a search warrant from a municipal court or other court of competent jurisdiction if the Village has been refused access to a building, structure, property, or premises and can demonstrate that the Village has probable cause to believe that:
- (i) A violation of this subsection (m), a permit, or other enforcement order exists;
 - (ii) There is a need to conduct a routine compliance inspection or to protect public health or safety; or
 - (iii) There is an emergency affecting public health or safety.
- c. Criminal Penalty:
- (i) A person violating this subsection (m) commits an offense. An offense under this subsection (m) is a class C misdemeanor. Each occurrence of a violation of this subsection (m) is a separate offense.
 - (ii) Proof of a culpable mental state is not required for a conviction of an offense under this subsection (m).
- d. Civil Penalty:
- (i) If a person has received actual notice of the provisions of this subsection (m) and acts in violation of this subsection (m) or fails to take action to comply with this subsection (m), or federal, state or local regulations, the Village may initiate a suit:

- (a) To recover a civil penalty for each violation;
 - (b) To obtain injunctive relief;
 - (c) To recover expenses, loss or damage to Village property; or
 - (d) For other available relief.
 - (ii) Each day or part of a day during which non-compliance occurs constitutes a separate violation. Initiation of a civil suit does not prevent other action against a person for violations of this subsection (m).
- e. **Emergency Suspension:**
- (i) Upon informal written or verbal notice, the Village may suspend water and wastewater service and disconnect a premises from the public wastewater system if the Village determines that an actual or threatened discharge:
 - (a) Presents an imminent danger to public health or safety;
 - (b) Presents an imminent danger of pass through;
 - (c) Presents a threat to the environment; or
 - (d) Threatens to interfere with the operation of the POTW.
 - (ii) A person notified of the suspension of the person's service shall immediately stop the discharge or eliminate its contribution to the waste stream.
 - (iii) If a person fails to immediately comply with an emergency suspension order, the Village may take necessary measures to prevent or minimize damage to the POTW, the environment, the public, or property.
 - (iv) The Village may not allow a discharge to continue if termination proceedings have been initiated. Evidence that the danger caused by a discharge has ceased does not affect the suspension authorized by this subsection (E). The Village is not required to provide a hearing before authorizing an emergency suspension.
- f. **Permit Revocation:** The Village may revoke a permit if a person violates this subsection (m), or other federal, state, or local wastewater pretreatment regulation.